A BRIGHT FUTURE

REPORT ON THE REVIEW OF PROGRAMS, SOURCES OF REVENUE AND FINANCIAL OPERATIONS OF THE DIVISION SCOLAIRE FRANCO-MANITOBAINE (DSFM)

Presented by
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January 2004

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The Honourable Peter Bjornson
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Government of Manitoba
Room 168
Legislative Building
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Dear Minister:

I have completed my review of the programs, sources of revenue and financial operations of the Division scolaire franco-manitobaine with a view to more closely identifying the operating characteristics of the Division, determining its needs and assessing the extent to which the Division's current sources and methods of funding enable it to fully satisfy its mandate.

I am pleased to submit to you my report and recommendations of measures which I feel will help secure the sustainability of the DSFM.

Yours sincerely,

Jean Comtois

TERMS OF REFERENCE

Upon signing my contract with the Department of Education, Citizenship and Youth, my work was guided by the following Terms of Reference:

The review will be guided by the legislative and constitutional framework, especially Section 23 of the *Canadian Charter of Rights and Freedoms* and the case law interpreting it, within which educational services are provided in this province and according to which the Division scolaire franco-manitobaine (DSFM) operates.

The person conducting the review will examine, assess and report on:

1. the DSFM's programs and services, focussing on their pertinence and their adequacy with respect to its particular mandate;
2. the cost effectiveness of the DSFM's current program and service offerings;
3. the DSFM's financial systems and processes, including budgeting, internal control, financial reporting and accountability systems;
4. all sources of revenue for the DSFM including the special levy transfer (with regard to its inability to raise a special levy), provincial and federal financial support; and,
5. financial support provided to francophone school authorities in the other provinces, taking into account the particularities of each situation/case.

Further, the broad review will be conducted as per the additional terms of reference:

1. All necessary consultations ensuring the thoroughness of the proposed review will be carried out.
2. All necessary documents for a comprehensive review will be submitted by either the DSFM and/or the Department of Education, Citizenship and Youth.
3. Further to an internal study of the report, the Department will publicly release the reports including those described below as soon as possible.
    - A report containing specific recommendations regarding DSFM programs, its sources of revenue and its financial operations.
    - A funding model proposal that will ensure the long-term financial sustainability of the DSFM. It will include the development of a strategy to secure and integrate funding from Canada under the Official Languages in Education Program and all other federal initiatives on official languages in a minority setting.

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SUMMARY

In Manitoba, as in several other provinces across Canada, the governance of French-language education is the end product of a lengthy process fraught with numerous claims.

In 1993-1994, Manitoba followed up on the Supreme Court of Canada ruling by establishing the Division scolaire franco-manitobaine (Franco-Manitoban School Division - DSFM). At this time, the government decided to consult francophone communities to find out whether they wanted to join the DSFM or remain with the provider school divisions, which would become divisions governed exclusively by Anglophones. The choice of some francophone communities would hamper DSFM implementation from several perspectives and the impact is still being felt today.

In these interpretations of the scope of section 23 of the *Canadian Charter of Rights and Freedoms,* the Supreme Court of Canada detailed the peremptory obligations of the provinces in respect of education. These requirements are not negotiable.

The province must facilitate French as a First Language education governance and ensure that it is carried out by rights holders.

It must ensure that such education receives funding so that the quality of French as a First Language education is at least equal to the education received by the majority. This means being able to offer quality programs and services delivered in adequate facilities by qualified personnel.

> "Language rights must in all cases be interpreted purposively, in a manner consistent with the preservation and development of official language communities in Canada." (*Beaulac, 1999*)

Further to the devolving of the responsibilities identified in the legislation creating francophone schools governance, it follows that the DSFM has to manage its affairs wisely. The school board is therefore accountable to Manitoba Education, Citizenship and Youth, and the community.

In 2002-2003, the DSFM served a school population of 4,450 pupils. To provide its programs and the associated services in 22 schools, it had a full-time equivalent staff of 315.68 teachers and 205.94 teachers' assistants.

Governance

As a general rule, directly or through its administrators, the Franco-Manitoban School Board (Commission scolaire franco-manitobaine – CSFM) has managed the Division's affairs appropriately. It submits its budgets and financial statements in compliance with the Department's requirements. However, what is unusual is that from 2000 to 2003, the CSFM has annually projected a deficit, which subsequently becomes a surplus in the financial statements up until 2002. For the first time, in the year ending in June 2003, the DSFM will show an actual deficit of $1,262,176, which the surpluses of the year before will be unable to absorb. This situation requires careful review by the DSFM. A few other items also merit CSFM attention: personnel, honoraria paid to trustees, DSFM governance structure, and CSFM meetings and minutes.

Programs

The programs and services offered by the DSFM are of good quality, as proven by the results of its pupils in provincial testing. These results are close to the provincial average. Delivery of services and programs in particular is often difficult in specialized subject areas such as Chemistry, Physics, and Technological and Vocational studies (119 pupils in 2002-2003). In many instances, pupils (56 in 2002-2003) have to use distance education. Other pupils develop courses called Student-Initiated Projects (SIPs), which can be accredited if approved by the DSFM and registered by the Department. On the whole, despite the many limitations imposed by a lack of adequate space and facilities, distance, and remoteness, DSFM programs are quite adequate.

There is no doubt that the DSFM has more than enough staff for program delivery. For example, in 2001-2002, it had the third best pupil-teacher ratio (12.8), after the Red River (12.5) and Frontier (12.6) divisions. Subsequently, in 2002-2003, this ratio rose to 14.1. However, the considerable number of teacher's assistants who join the teaching staff bring this ratio down to under 10. In 2002-2003, there was the equivalent of 205.94 assistants, for a pupil-teacher ratio of 8.5. Furthermore, if one were to include the Division office staff, this ratio would be lower still. From this perspective, the DSFM is the best-off division in Manitoba. This observation entails an analysis by the administration and the CSFM to consolidate services and perhaps reduce associated delivery costs.

Capital Support

Most of the school buildings used by the DSFM are facilities transferred to it by the provider school divisions when it was established. Some were in a state that required immediate attention. Others were renovated over the ten years of the Division's existence. In addition, new construction was funded by the province.

There are still some major deficiencies to correct. Many schools do not have a multi-purpose room, laboratories, shops space, etc. The Division diligently prepares its multi-year capital plan, which it submits to the Department of Education. During the first ten years of the DSFM's existence, the Department has been generous in considering its capital needs, and has given it more than $28 million for projects completed or nearing completion. The condition of some of the buildings transferred, the fact that a significant number of these schools lacked versatility, the new needs of communities with no French-language school and communities divided because they did not join the DSFM are factors whose impact is still being felt today. It will take a substantial amount of time and money to meet all of the Division's needs.

Transportation

Pupil transportation has always been a DSFM priority. Indeed, in 2002-2003, 72% of pupils in the Division relied on school transportation. That same year, the DSFM invested more than $2 million in transportation. It is a necessary service, but one that requires significant funds.

Funding

To assume all of its responsibilities, the DSFM needs substantial funding which, in 2003-2204, will come close to the ceiling of $40 million. It has four different revenue sources: Manitoba, Canada, the municipalities, and other sources.
In 2003-2004, provincial funds will make up 62.6% ($24,551,713) of the DSFM's total funding. The DSFM will receive $11,785,919 from provider school divisions to replace property tax revenues, for 30% or its total revenues. Government of Canada funding will be $2,400,000, or 6.2%, via the Special Agreement. Other sources will contribute $465,000, or 1.2%.

Since the Division's inception in 1993, trustees, administrators, and members of the Franco-Manitoban community have voiced concerns about underfunding. Factors such as the size of the territory, remoteness of certain communities, cost of transportation, professional development, *programme d'accueil*, and Special Needs, particularly in the more remote regions, cost of curricular and instructional materials are all identified as reasons why funding is inadequate.

Some sources of funding could be enhanced. For base funding:

- an increase in curricular material support is justifiable;
- information technology support could also be improved;
- library services support could be enhanced;
- the professional development grant should be increased.

Some adjustments to categorical support could also provide additional funds that enable the Division to more effectively meet the needs of pupils. Categorical support items such as transportation and the *programme d'accueil* are good examples. A new category called "Additional Support" could be established. This would be a way for the province to address the lack of municipal revenue. Given that the DSFM may not raise funds from property taxes, it relies on the provider school divisions for the amounts they transfer to it. The DSFM experiences a shortfall in theses revenues every year.

It would be wiser in the longer term to consider a comprehensive review of educational funding as recommended by Paul Rouleau in his analysis of the *Arsenault-Cameron v. Prince-Edward Island* ruling[1]. Other provinces have done so.

Securing the sustainability of the DSFM will require the coordinated efforts of several jurisdictions. The federal government, which helped create governance of French-language education by rights holders, must now continue to ensure the viability of this governance over the long term.

Manitoba must also contribute its share. If a comprehensive review of funding is required for long-term viability, a commitment is necessary. The provincial government must at the very least improve current funding wherever possible.

The revenues intended to replace property tax revenues must be at least equivalent to what the provider school divisions are able to raise from this source each year. A calculation suggestion based on the increase of these revenues over two consecutive years and presented in this report is conceivable.

The DSFM received its mandate pursuant to Chapter 33 of *The Public Schools Act*. It must be given the resources needed to fulfil this mandate over the long term. Such is the underlying objective of the recommendations put forward in this report.

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[1] Translator's Note : French only: *Analyse de l'Arrêt Arsenault-Cameron c. l'Île-du-Prince-Édouard*

ACKNOWLEDGEMENTS

My sincere thanks to everyone who directly or indirectly contributed to the current review of programs, sources of revenue and financial operations of the DSFM.

It would have been difficult, if not impossible, to complete a review of the magnitude of this report, given its purpose and *raison d'être*, without the active participation of Manitoba Education, Citizenship and Youth staff, school board personnel, DSFM administrators, school staff, parents, and the Education departments of other provinces. The cooperation I received from all of these sources was invaluable.

My discussions and meetings with stakeholders were always held in an atmosphere of great openness and trust. The documentation submitted by the various parties was extremely important.

Finally, I would like to thank Rita Comtois for her astute assistance and insight. Her competence and expertise were greatly appreciated, in particular for the revision and electronic entry of this report.

PREFACE

While the creation and establishment of a school board and school division are admittedly inspiring, they also present tremendous challenges for everyone involved in any way in this process. The required resources must first be secured, and subsequently governance of these resources must ensure viability of a system that promotes exemplary service delivery.

The sole focus of this venture is children, adolescents and learners of all ages. They are the rationale for an education system like the DSFM. Ultimately, whether it is Manitoba Education, Citizenship and Youth that is responsible for ensuring access to the necessary funding or the DSFM that is responsible for managing all of the system's affairs, ensuring quality programming, providing the appropriate support service delivery, hiring qualified staff, the objective remains unchanged: to educate and instruct those who can and wish to take advantage of these programs and services.

I have undertaken this review with an open mind, without preconceived ideas or arbitrarily anticipated solutions or proposals. The suggestions and recommendations go hand in hand. The follow-up required for one can hardly be effective without considering the others.

There should be no losers in this responsibility that involves meeting the needs of those who can and wish to enjoy DSFM services. I believe in the vitality, determination and commitment of all those who directly or indirectly have a role to play in continuing to ensure DSFM viability.

This is the rationale and objective of this report.

INTRODUCTION

In Manitoba, as in several other provinces across Canada, the governance of French-language education is the end product of a lengthy process fraught with numerous claims.

French instruction was introduced in Manitoba's elementary schools at the end of the 1960s. In fact, it was during these years that Manitoba legislation was changed to permit French-language instruction for up to 50% of class time. A few years later, the exclusive use of French-language instruction was allowed from Kindergarten to Grade three (3), and for up to 75% of class time from Grades four (4) to twelve (12).

During the 1980s, there were two types of French-language education programs: one where French-language instruction accounted for at least 75% of class time (total French) and the other where only 50% of teaching was in French (partial French).

It was during this time that the French-Language Education Bureau (Bureau de l'éducation française – BÉF) was established. In the context of its mandate, the Bureau's objectives include the promotion, planning, implementation, administration and facilitation of all aspects of French-language education for francophone and anglophone pupils. It is also charged with examining, formulating and recommending to the Department of Education policies and priorities in all areas affecting French-language education. In 1993, in follow-up to the Supreme Court of Canada ruling in the *Reference Re Public Schools Act (Manitoba)*, this legislation was amended to establish a francophone school board. The new Division scolaire franco-manitobaine (DSFM) then assumed governance of French-language education. Through a consultation process mandated by the government of the time, communities could decide whether they wanted to join this new governance body.

Ten years of governance of French-language education by the DSFM have already passed. During this period, the DSFM has provided rights holders with a solid array of French-language programs and services at the elementary and senior levels.

This has been made possible through the determination and commitment of quality personnel, the availability of adequate facilities for this program offering and service delivery, and access to funding provided to the DSFM by the Department of Education, Citizenship and Youth.

When the Division was created and established, school facilities were transferred with staff, so that programs could be provided to meet the needs of the community served by the DSFM. Over the years, DSFM administrators, in collaboration with representatives from the Department of Education, Citizenship and Youth, school personnel, parents and pupils, have adapted programs and services to more effectively meet needs. It is in this perspective that, since DSFM inception, school trustees, with the support of system administrators, have had to manage the resources available to the Division, and are therefore accountable to the Department.

The DSFM has repeatedly lamented the fact that the funds it receives from the province have not allowed it to satisfy its mandate as completely and as effectively as it would like. The Department, however, feels that the funding it provides to the DSFM should allow it to fulfil its responsibilities.

The recently completed review, the results of which are the subject of this report, involved verifying relevant data, examining a significant number of documents, and consulting personnel (administrators and others), parents and community members. I also examined the situation in other provinces.

The suggestions and recommendations put forward have only one purpose: to ensure the long-term sustainability of quality French-language education at the elementary and secondary levels in Manitoba in order to effectively serve those who can and wish to take advantage of it. As a viable system, the DSFM will also be able to fulfil its own role, which is to contribute to the development of the Franco-Manitoban community.

The governance, programming, and funding of the DSFM can hardly be reviewed without addressing the role played by the Department, some of its branches, and the Bureau de l'éducation française. Some of the study's results set out in this report consider this aspect.

METHODOLOGY

In order to adequately identify the various components of the study while remaining true to the mandate entrusted to me and my own objectives, I sought to obtain the information I required to formulate fair conclusions and findings, and the resulting suggestions and recommendations.

I began by identifying, consulting and analysing information sources, and examining their content in detail. This required reading numerous documents related to education in general, others from the [then] Department of Education, Training and Youth, and the Division scolaire franco-manitobaine, as well as those of other provinces with regard to school board programs, funding, and administration.

Schools were also a source of interesting information, as evidenced in the Bibliography. Numerous DSFM study and analysis reports on funding, transportation, capital support and programs also contained data that were extremely useful.

It would be impossible to prepare a governance review without consulting the minutes of the school board and its committees. The examination and analysis of documentation, while essential for an in-depth study such as the one I have completed, is not enough. It is necessary to consult the people who are part of this school system, who support it, who ensure its operations, and the community it serves. Such was the purpose of my meetings with representatives from the Department of Education of Manitoba and other provinces, school trustees, Division and school administrators, school staff, parents, Franco-Manitoban community leaders, retired teachers, and other stakeholders, totalling over one hundred people. One of my responsibilities was to develop a funding process, a formula that would better meet DSFM needs. To do this, it was necessary to study in detail the available and pertinent documentation for Manitoba and other provinces. The entire process and methodology contributed to the formulation of conclusions, findings and recommendations with a single focus: ensuring the long-term sustainability of the DSFM.

BACKGROUND

In 1982, Canada took a momentous step forward when it enacted its own *Canadian Charter of Rights and Freedoms* in follow-up to the *Constitutional Act.* This charter sets out the broad parameters of Canadian society. Official language minorities find in this charter a confirmation of their existence and rights. Section 23 is very dear to these minorities, because it contains the justification for establishing their own school systems and having their schools where rights holders can receive an education in their own language. Furthermore, the courts have repeatedly ruled on educational rights of official language minorities.

Numerous Supreme Court of Canada rulings, as well as those of other provincial courts, have shed light on the exact purpose of this section, detailed in Part II of this report. Manitoba was the subject of one of these Supreme Court of Canada cases in which the justices were very clear. Indeed, it was shortly after this 1993 ruling that the Division scolaire franco-manitobaine (DSFM) was established.

This year, the DSFM celebrates its tenth anniversary. Judging from the comments compiled during my conversations with Franco-Manitoban community leaders, the DSFM has made every effort since its inception to meet the needs of the Franco-Manitoban community.

In their opinion, without the DSFM, Manitoba's francophonie would not be where it is today:

> [*Translation*] "Not only does the DSFM play an important role for the pupils who attend the schools, but also for the community as a whole." (Comments from Franco-Manitoban community leaders)

The DSFM is part of a Franco-Manitoban background, which the report *Agrandir l'espace francophone au Manitoba*[2], prepared by Ronald Bisson, describes thus:

> [*Translation*] "Manitoba's francophone community went from a "living in French" approach (from 1916 to the 1960s) to a "flourishing of the Franco-Manitoban community" approach (1990s to date)."

This community is growing rapidly and faces major changes. It needs to rally to initiate specific actions.

Furthermore, the community leaders with whom I spoke do not hesitate to point out that major changes have taken place over recent years.

> [*Translation*] "The Franco-Manitoban community is not as homogenous as it once

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[2] Translator's Note: Document in French only. Suggested English rendering: Blueprint to expand the Francophone presence in Manitoba.

> was. Exogamous couples and New Canadians add a dimension that must be taken into account in our response to needs." (Comments from Franco-Manitoban community leaders)

Elsewhere in his report, Ronald Bisson presents some interesting findings that illustrate the changes faced by Manitoba's francophonie. He points to significant linguistic erosion:

> [*Translation*] "... the Franco-Manitoban community (which) is successful in passing French on to 60% of the next generation."

This is a troubling statistic that cannot be justified by the low birthrate alone. According to statistics, the declining birthrate is only responsible for 22% of this loss. The remainder, or 78%, is due to the fact that, in many cases, francophone parents do not pass the French language on to their children.

To better understand this context, we need to take a closer look at the statistics. While in certain cases there may be a lack of interest in the French language and culture, this is not the sole or primary reason:

> [*Translation*] "Francophones in Manitoba are very attached to their language. It is important to them." (comment)

Some situations make transmission of the French language more difficult:

> [*Translation*] "If both parents are Francophones, French is passed on to the next generation in 86% of cases."

> [*Translation*] "If only one of the parents is Francophone, the level of transmission drops drastically to 16%. The fact that 68% of children under the age of 22 in 2001 came from exogamous families is a cause for concern. What is more, it seems that the number of these families is on the rise." (comments)

These statistics point to a future that could present certain difficulties. The DSFM territory is vast and comprises a multitude of realities. It is both urban and rural. Some schools are very remote with limited enrolment. Distances in many cases are considerable.

These factors and still others which will be addressed in greater detail in this study need answers that are adapted to varied needs. In a highly relevant report entitled *What Schools for the Future*, the Organisation for Economic Co-operation and Development (OECD) examines the socio-economic factors with an impact on school systems, schools and communities. In some perspectives, the six scenarios proposed in this report could stimulate a meaningful and relevant reflection on the delivery of educational services, instruction and school governance. Moreover, some provinces have already initiated this reflection.

PART 1 - THE *CANADIAN CHARTER OF RIGHTS AND FREEDOMS*

Section 1 of the *Canadian Charter of Rights and Freedoms* clearly sets out the purpose of the *Charter*:

> "The *Canadian Charter of Rights and Freedoms* guarantees the rights and freedoms set out in it subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society."

Then, in section 23, the *Charter* lists the *Minority Language Educational Rights:*

23. (1) Canadian citizens:

(a) whose first language learned and still understood is that of the English or French linguistic minority population of the province in which they reside, or;

(b) who have received their primary school instruction in Canada in English or French and reside in a province where the language in which they received that instruction is the language of the English or French linguistic minority population of the province or French linguistic minority population of the province, have the right to have their children receive primary and secondary school instruction in that language in that province.

(2) Citizens of Canada of whom any child has received or is receiving primary or secondary school instruction in English or French in Canada, have the right to have all their children receive primary and secondary school instruction in the same language.

(3) The right of citizens of Canada under subsections (1) and (2) to have their children receive primary and secondary school instruction in the language of the English or French linguistic minority population of a province:

(a) applies wherever in the province the number of children of citizens who have such a right is sufficient to warrant the provision to them out of public funds of minority language instruction; and;

(b) includes, where the number of those children so warrants, the right to have them receive that instruction in minority language educational facilities provided out of public funds.

PART 2- PRINCIPLES-INTERPRETATIONS-CASE LAW

2.1 Introduction

Back in the 17th century, Canada was populated and colonized by two founding nations: the French and the English, who settled without much regard for the Aboriginal peoples who had occupied the land for centuries. Thus, by the end of the 20th century, the country's inhabitants were people who had immigrated from around the world and had contributed to Canada's development. In 1982, in light of this changing reality of the Canadian scene, the Prime Minister of the day finally completed a project he had been working on for some time: enacting the country's own *Canadian Charter of Rights and Freedoms*. In April 1982, Pierre Elliott-Trudeau signed this historical document which would revolutionize the nature of the relationship between several stakeholders and their government – and the two founding French and English peoples in particular.

The addition of section 23 to the Constitution in 1982 sparked a proliferation of legal proceedings in various provincial courts. Indeed, since 1990, several of these courts have handed down rulings that seemed to represent philosophies and divergent principles in respect of the interpretation of section 23. As a result, a framework or parameters became necessary to facilitate the application of this legislation. From 1990 to 1993, the Supreme Court of Canada made some very important rulings that occasioned a significant body of case law.

The following pages seek to organize parts of the rulings of the Supreme Court of Canada and the provincial courts under specific headings. Here is a list of these cases:

Supreme Court of Canada:

- Quebec Protestant School Board v. Quebec, 1984;
- Mahé v. Alberta, 1990;
- Reference Re *Public Schools Act (Man)*, 1993 ("Manitoba Reference");
- Ontario Home Builders' Association v. York Region Board of Education, 1996;
- Arsenault-Cameron v. Prince Edward Island, 1999;
- R. v. Beaulac, 1999.

Supreme Court of Nova Scotia:

- Glenda Doucet-Boudreau v. Nova Scotia (Department of Education), 2000.

Court of Appeal for Ontario:

- R. v. Dufferin-Peel Separate School Board, 1996.

Superior Court of Ontario:

- Marchand v. R., 1986.

Supreme Court of British Columbia:

- Association des parents francophones de la Colombie-Britannique v. British Columbia, 1998.

2.2 Purpose of section 23 of the *Canadian Charter of Rights and Freedoms*

Francophone groups have repeatedly claimed their rights under this charter by filing appeals with the Supreme Court of Canada. The latter has considered their circumstances and has handed down rulings that have progressively changed the situation of these minority groups with respect to education.

Solutions to the Historical Erosion of Official Language Groups

> "...[Section] 23 was designed to correct, on a national scale, the historically progressive erosion of official language groups and to give effect to the equal partnership of the two official language groups in the context of education..." (in *Arsenault-Cameron*)
>
> "Section 23 is one component in Canada's constitutional protection of the official languages. The section is especially important in this regard, however, because of the vital role of education in preserving and encouraging linguistic and cultural vitality." (in *Mahé*)
>
> "... [T]he Respondents did not give sufficient priority to the serious rate of assimilation occurring among Acadians and Francophones ... [T]he Department did not take into account that school facilities were key instruments in preventing further assimilation ..." (in *Glenda Doucet-Boudreau*)
>
> "[T]he framers of the Constitution manifestly regarded as inadequate some--and perhaps all--of the regimes in force at the time the *Charter* was enacted, and their intention was to remedy the perceived defects of these regimes by uniform corrective measures, namely those contained in s. 23 of the *Charter*, which were at the same time given the status of a constitutional guarantee." (in *Quebec Protestant School Board*)
>
> "A further important aspect of the purpose of s. 23 is the role of the section as a remedial provision. It was designed to remedy an existing problem in Canada, and hence to alter the status quo." (in *Mahé*)

"Language rights must in all cases be interpreted purposively, in a manner consistent with the preservation and development of official language communities in Canada." (in *Beaulac*)

Special Importance of Education

"Section 23 is one component in Canada's constitutional protection of the official languages. The section is especially important in this regard, however, because of the vital role of education in preserving and encouraging linguistic and cultural vitality." (in *Mahé*)

Canada's Commitment

"It thus represents a linchpin in this nation's commitment to the values of bilingualism and biculturalism." (in *Mahé*)

Importance of the *Charter*

"In a climate of job loss, welfare cuts and general reduction of government services it is not difficult to imagine that a capital expenditure of over ten million dollars for an improved French-language secondary school might not qualify as a service that "we value most", supposing that the "we" referred to therein is the non-Francophone majority. It is to avoid such a result that we have constitutionally-protected rights." (in *Dufferin-Peel Separate School Board*)

Need for Legislation

"Section 23 confers upon a group a right which places positive obligations on government to alter or develop major institutional structures... [T]he real obstacle is… the inaction of the public authorities." (in *Mahé*)

"[I]t is my view that legislation, as opposed to regulation, is the manner in which this constitutional commitment should be met... The burden of ensuring that the obligations imposed by s. 23 is a burden placed on both the government and the legislature of each province. Provincial legislation provides a measure of security beyond a regulatory scheme." (in *Association des parents francophones de la Colombie-Britannique*)

"Consequently, the provisions of the *Charter* cannot be modified by executive or cabinet directive." (in *Glenda Doucet-Boudreau*)

"It is important to keep in mind that s. 23 constitutes a minimum and not a maximum in the area of management and control of French-language education." (in *Manitoba Reference)*

The Need to React

> "It is clear that the imposition of the moratorium does not have the same impact on the majority as it has on the minority. The majority has many schools while the minority has only part of one school, which it may well lose. The moratorium could have catastrophic effects on the future of ... [school] and on the future of the linguistic minority..." (in *Dufferin-Peel Separate School Board)*

> "[T]he remedial nature of s. 23 suggests that pedagogical considerations will have more weight than financial requirements in determining whether numbers warrant." (in *Manitoba Reference*)

> "I do not agree that s. 23 contemplates the need for a consensus among s. 23 parents before steps are taken to comply with the provisions of s. 23." (in *Glenda Doucet-Boudreau)*

The Supreme Court rulings examined and discussed below apply to the current situation of French-language education in Manitoba and confirm certain essential elements that affect it:

- right to access;
- number of rights holders;
- right to instruction;
- educational facilities;
- preservation and promotion of French language and culture;
- governance;
- funding;
- the school as a community centre.

2.3 Right to Access

In the *Mahé* ruling of 1990, the Supreme Court of Canada relies on section 23 of the *Canadian Charter of Rights and Freedoms* to determine the right to instruction in the language of the minority.

> "All three have school age children, and thus qualify under s. 23(1) of the *Charter* as persons who, subject to certain limitations, "have the right to have their children receive primary and secondary school instruction" in the language of the linguistic minority population of the province -- in this case, the French language." (in *Mahé)*

> "The persons who will exercise the measure of management and control are minority language parents or persons such parents designate as their representatives." (in *Mahé)*

> "The provision provides for a novel form of legal right, quite different from the type of

> legal rights which courts have traditionally dealt with... Section 23 confers upon a group a right which places positive obligations on government to alter or develop major institutional structures." (in *Mahé)*

As well, in the *Arsenault-Cameron* ruling, the Supreme Court of Canada states that:

> "A purposive interpretation of s. 23 rights is based on the true purpose of redressing past injustices and providing the official language minority with equal access to high quality education in its own language, in circumstances where community development will be enhanced." (in *Arsenault-Cameron)*

> "Section 23 is one component in Canada's constitutional protection of the official languages. The section is especially important in this regard, however, because of the vital role of education in preserving and encouraging linguistic and cultural vitality." (in *Mahé)*

Charter section 23 indicates that if citizens have the right to instruction in the language of the minority, this must include: **teachers and teaching material, classrooms, other physical facilities like television,** and, pursuant to the *Mahé* ruling, **the provision of facilities.**

2.4 Number of Rights Holders

Various Supreme Court of Canada rulings, including *Mahé*, *Arsenault-Cameron*, *Glenda Doucet-Boudreau* (Supreme Court of Nova Scotia) and the Manitoba Reference justify the right to instruction for the minority.

Relevant Number

> "The rights provided by s. 23, it must be remembered, are granted to minority language parents individually. Their entitlement is not subject to the will of the minority group to which they belong, be it that of a majority of that group, but only to the "numbers warrant" condition." (in *Manitoba Reference)*

> "The relevant number [...] can be roughly estimated as being somewhere between the known demand and the total number of persons who could potentially take advantage of the service." (in *Arsenault-Cameron)*

> "The determination of the appropriate area for the provision of minority language instruction and facilities is something that has to be decided in each case with due consideration to the numbers involved as well as all of the important factors specific to the case. It is however important to note that the s. 23 standard is not neutral but favours community development." (in *Arsenault-Cameron)*

This justification requires that **two** factors be taken into account:

- the services appropriate in pedagogical terms;
- the cost of the contemplated services.

Yet another factor must be considered: is the area in question urban or rural?

Sliding Scale

> "[The] idea of a sliding scale is simply that s. 23 guarantees whatever type and level of rights and services is appropriate in order to provide minority language instruction for the particular number of students involved... The sliding scale approach ensures that the minority group receives the full amount of protection that its numbers warrant." (in *Mahé)*

> "During the last 18 years, the Department did not determine if the regions covered in the Application met the lower or upper end of the "numbers warrant" test ... In fact, there is no evidence before me to indicate that the Department commissioned any studies for this period to determine the effect, positive or otherwise, of providing homogeneous programs and facilities to students of Grades primary to 8 only." (in *Glenda Doucet-Boudreau)*

> "The province has the obligation to offer the educational services, make them known and accessible to minority language parents so as to provide a quality of education on a basis which, in principle, is one of equality with the majority." (in *Manitoba Reference)*

> "The province has the duty to actively promote educational services in the minority language and to assist in determining potential demand." (in *Arsenault-Cameron)*

2.5 Right to Instruction

In its decision in the *Glenda Doucet-Boudreau* case, the Supreme Court of Nova Scotia rules thus:

Complete Elementary and Secondary Education

> "... [T]he Department has a constitutional duty to provide such programs and facilities which will permit the children of the linguistic minority to have substantive equality in elementary and secondary education." (in *Glenda Doucet-Boudreau)*

> "Certainly, between 1982 and 1997, the Department did not meet its obligations under s. 23 of the *Charter*. It cannot be said that the provision of only French-first education at the elementary level in these fifteen years met the clear and unmistakable requirements of the *Charter*. At present, only one school, École

> Carrefour du Grand-Havre in Dartmouth, offers a full Grades primary to 12 French homogeneous program in a homogeneous facility." (in *Glenda Doucet-Boudreau*)

> "Without a strong and effective program at the secondary level, assimilation of Acadians and other Francophones will occur." (in *Glenda Doucet-Boudreau)*

Section 29 of the *Canadian Charter of Rights and Freedoms* or section 93 (1) of the *Constitutional Act, 1867* guarantees the **right to denominational schools** (in *Mahé*, p. 380-381)

2.6 Right to Educational Facilities

Section 23 of the *Charter*, invoked in the *Mahé, Glenda Doucet-Boudreau, Arsenault-Cameron* (Prince Edward Island, 1996) rulings and in the Manitoba Reference, clearly specifies that **educational facilities must be provided and belong to the linguistic minority.** [s. 23(3)(b)]

Numbers Requirement

> "A larger number of children would cross the where-numbers-warrant threshold of para. 3(*b*), which requires the provision out of public funds of "minority language educational facilities." (in *Manitoba Reference)*

> "Indeed, once the sliding scale approach is accepted it becomes unnecessary to focus too intently upon the word "facilities". Rather, the text of s. 23 supports viewing the entire term "minority language educational facilities" as setting out an upper level of management and control." (in *Mahé)*

Distinct Facilities

> "As a space must have defined limits that make it susceptible to control by the minority language education group, an entitlement to facilities that are in a distinct physical setting would seem to follow." (in *Manitoba Reference)*

> "[I]t seems reasonable to infer that some distinctiveness in the physical setting is required to successfully fulfil this role." (in *Manitoba Reference)*

> "In making this inference, I have in mind that in Halifax-Dartmouth, the rate of assimilation has in fact decreased in 1991 and 1996, most probably due to the establishment of École Carrefour du Grand-Havre. I believe that the lack of homogeneous facilities bear directly on this point." (in *Glenda Doucet-Boudreau)*

Accessibility

> "[Further to the Minister's decision]... bussing prevented children from participating in extracurricular activities owing to the distance between their home and the school.... It is implicit in the s.23 right that a facility for minority language instruction be at least as accessible as those of the majority language group." (in *Noëlla Arsenault-Cameron)*

2.7 Preservation and Promotion of Minority Language and Culture Everywhere in Canada and Their Integration into a Community

> "Language is more than a mere means of communication, it is part and parcel of the identity and culture of the people speaking it. It is the means by which individuals understand themselves and the world around them." (in *Mahé)*

> "Both a textual and purposive analysis of s. 23(3) of the *Charter* indicate that when the numbers of s. 23 children in a specific area warrant the provision of minority language instruction, that instruction should take place in facilities located in the community where those children reside." (in *Arsenault-Cameron)*

> "My reference to cultures is significant: it is based on the fact that any broad guarantee of language rights, especially in the context of education, cannot be separated from a concern for the culture associated with the language." (Lamer C.J., *Reference Re Public Schools Act (Man)* [s. 79 (3), (5) and (7)] in respect of *The Public Schools Act*, p. 849).

Differential Treatment

> "Equality of outcome, envisioned by s. 23, may require differential treatment... Differential treatment is directly related to the circumstances intended to be addressed. It is remedial in nature, related to outcome, which in the circumstances of this case is a quality of education that is equal to that of the majority." (in *Association des parents francophones de la Colombie-Britannique - APFCB)*

> "Substantive equality under s. 23 requires that official language minorities be treated differently, if necessary, according to their particular circumstances and needs, in order to provide a standard of education equivalent to that of the official language majority." (in *Arsenault-Cameron)*

> "The Minister and the Appeal Division inappropriately emphasized the impact of three elements on equality between the two linguistic communities: duration of the bus rides, size of schools and quality of education. Section 23 is premised on the fact that substantive equality requires that official language minorities be treated differently, if necessary, according to their particular circumstances and needs, in order to provide them with a standard of education equivalent to that of the official

language majority..." (in *Arsenault-Cameron)*

Since the **decisions have a significant impact on minority language and culture throughout Canada** (*Mahé*, p. 37), certain measures of control are required, such as the establishment of a school board or, if minority numbers are low, **management within an existing majority board.** (in *Mahé*)

2.8 Governance of Instruction and Facilities

This means having the authority to make decisions relating to **expenditures of funds, appointment of those responsible for the administration and facilities, programs of instruction, recruitment and assignment of staff, especially teachers, and the making of agreements for education and services for minority language pupils.** (in *Mahé*)

Relevant Numbers

> "In general, wherever the numbers of students justify creating a minority language school, these numbers would also justify granting the minority language parents a measure of management and control." (in *Mahé)*

> "At the high end of the scale, the number of children would require the establishment of a minority language school board." (in *Manitoba Reference*)

Exclusivity of Minority Programs

> " ... [I]f the province chooses to allow minority language parents a choice of school for instruction in the minority language, this should not be at the expense of the services provided by a French-language school board or hamper this board in its ability to provide services on a basis of equality as described above. Likewise, it would not be open to …carve school districts which unduly hampered such a school board from attracting students." (in *Manitoba Reference)*

> "Therefore, I expressly refrain from taking a position on the constitutional validity of Manitoba's proposed legislative scheme." (in *Manitoba Reference)*

Role of Parents and Their Representatives

> "What is essential ... is that the minority language group have control over those aspects of education which pertain to or have an effect upon their language and culture." (in *Mahé)*

> "Such management and control is vital to ensure that their language and culture flourish. It is necessary because a variety of management issues in education, e.g., curricula, hiring, expenditures, can affect linguistic and cultural concerns." (in *Mahé)*

"The minority language representatives should have exclusive authority to make decisions relating to the minority language instruction and facilities, including:

(a) expenditures of funds provided for such instruction and facilities;
(b) appointment and direction of those responsible for the administration of such instruction and facilities;
(c) establishment of programs of instruction;
(d) recruitment and assignment of teachers and other personnel; and
(e) the making of agreements for education and services for minority language pupils." (in *Mahé)*

"[I]t is for the (school) Board to determine sufficient numbers in the exercise of its duty to provide facilities." (in *Arsenault-Cameron)*

Needs and Priorities

"Empowerment is essential to correct past injustices and to guarantee that the specific needs of the minority language community are the first consideration in any given decision affecting language and cultural concerns." (in *Arsenault-Cameron)*

"The participation of minority language parents or their representatives in the assessment of educational needs and the setting up of structures and services which best respond to them is most important." (in *Manitoba Reference)*

"[T]he province must expressly address a number of issues in order to satisfy its constitutional obligations and remain true to the purposive, remedial nature of s. 23. A proper implementation will require the fullest understanding of the needs of the French-language minority." (in *Manitoba Reference)*

"The question is also, whose priorities? Obviously, it has to be the priorities of the minority community because the determination of such priorities lies at the core of the management and control conferred on the minority language rights holders and their legitimate representatives by s. 23." (in *Arsenault-Cameron)*

Definition of Power Between Government and Community

> "[T]he government should have the widest possible discretion in selecting the institutional means by which its s. 23 obligations are to be met." (in *Mahé)*

> "When the Minister exercises his discretion to refuse a proposal pursuant to the Regulations, his discretion is limited by the remedial aspect of s. 23, the specific needs of the minority language community and the exclusive right of representatives of the minority to the management of minority language instruction and facilities." (in *Arsenault-Cameron)*

> "The Minister's decision is unconstitutional because the offer of classes or a facility came within the exclusive right of management of the minority and met with all provincial and constitutional requirements. The Minister's discretion was limited to verifying whether the Board had met provincial requirements… The Minister had no power to impose his own criteria as a substitute. Nor could the Minister substitute his decision for that of the Board simply because he was of the view that the decision of the Board was not a good one." (in *Arsenault-Cameron)*

> "Regulations can therefore authorize the Minister to intervene in an appropriate manner to enforce the provincial norms." (in *Arsenault-Cameron)*

> "School size, facilities, transportation and assembly of students can be regulated, but all have an effect on language and culture and must be regulated with regard to the specific circumstances of the minority and the purposes of s. 23." (in *Arsenault-Cameron)*

2.9 Funding

The funds allocated to minority language schools must be at least equivalent on a per student basis to the funds allocated to the majority schools.

> "Special circumstances may warrant an allocation for minority language schools that exceeds the per capita allocation for majority schools." (in *Mahé)*

With respect to funding, s. 23 of the *Charter* speaks of **wherever in the province the numbers warrant** (*Mahé*, p. 386). This means that the calculation of the relevant numbers is not restricted to existing school boundaries, although the redrawing of school boundaries will often involve a certain cost which must be taken into account.

Equality of Opportunity

> "Her Majesty is under a duty to ensure that the French language secondary school instruction and educational facilities provided to the children of the plaintiff and of the members of the class of persons he represents, are equivalent to English language secondary school instruction and educational facilities provided within the County …, and that such duty includes the provision of adequate funding for such purpose." (in *Marchand)*

> "… [I]f the foregoing right was to be meaningful an adequate level of funding was required to support it... [W]hen one reviews the history and purpose of s. 93(1), the principle of proportionality can be seen for what it really is, namely, the means to a constitutional end which is equality of educational opportunity." (in *Ontario Home Builders Association)*

Base Funding

> "It should be stressed that the funds allocated for the minority language schools must be at least equivalent on a per student basis to the funds allocated to the majority schools. Special circumstances may warrant an allocation for minority language schools that exceeds the per capita allocation for majority schools." (in *Mahé)*

> "[I]t is not necessary that the funds be derived through a separate tax base provided adequate funding is otherwise assured." (in *Mahé)*

Policies and Discretionary Powers

> "It is clear that the imposition of the moratorium does not have the same impact on the majority as it has on the minority. The majority has many schools while the minority has only part of one school, which it may well lose." (in *Dufferin-Peel Separate School Board)*

> "Despite the Department's decision to formalize the approval process for new school facilities, the criteria applied by the committee did not take into account the legal requirements of s. 23." (in *Glenda Doucet-Boudreau)*

> "Although the Minister is responsible for making educational policy, his discretion is subordinate to the *Charter.*" (in *Arsenault-Cameron)*

2.10 Schools as Community Centres

Schools as Community Centres

> "... [I]t is worth noting that minority schools themselves provide community centres where the promotion and preservation of minority language culture can occur; they provide needed locations where the minority community can meet and facilities which they can use to express their culture." (in *Mahé)*

> "...[T]hat in implementing such a scheme of minority language education, the province must expressly address a number of issues in order to satisfy its constitutional obligations and remain true to the purposive, remedial nature of s. 23. A proper implementation will require the fullest understanding of the needs of the French-language minority. " (as pointed out by Lamer C.J. in *Mahé* p. 372)

Here then are the constitutional questions that arise from these issues and how the legal authorities answer them.

What does the rights to have one's children receive instruction "in minority language educational facilities" guaranteed by s. 23 (3)(b) of the *Charter* mean? In particular, does it include the right to have one's children receive instruction in a distinct physical setting?

> Answer: Yes. The general rights of instruction conferred by s. 23, read in the context of the section as a whole, necessarily requires that the educational facilities be of or belong to the linguistic minority group, and includes the right to a distinct physical setting and facilities. The exercise of a full complement of this right is related to the application of the sliding-scale approach developed by this Court in *Mahé*.

Do s. 23 and s. 15 of the *Charter* grant any right of management or control in connection with s. 23's guarantees of French language instruction and minority language facilities?

> Answer: Yes, on the basis of s. 23, and in accordance with the principles set out by this Court in the *Mahé* decision.

If so, do the provisions in Part I, II and III of *The Public Schools Act* concerning the formation of school divisions and districts, the election of school boards, and the powers and duties of school boards meet Manitoba's constitutional obligations with reference to such a right of management and control? If not, in what essential elements do the provisions fail to do so?

> Answer: No. The provisions of *The Public Schools Act* do not provide for the implementation of the rights of the linguistic minority in respect of their educational facilities, including appropriate mechanisms for management and control. In order to accomplish this, the Manitoba authorities must, without delay, put into place a

regime and a system which permit the Francophone minority to exercise its rights effectively, taking into account the general requirements spelled out by this Court in the *Mahé* case. The number of potential French-language students warrants the establishment of an independent French-language school board in Manitoba under the exclusive management and control of the French-language minority. (in *Noëlla Arsenault-Cameron, Madeleine Costa-Petitas and the Fédération des parents de l'Île-du-Prince-Édouard v. The Government of Prince Edward Island* p. 865)

PART 3 - GOVERNANCE

Indicators:

- the consistency between *The Public Schools Amendment Act*, Chapter 33, and the rulings of the Supreme Court of Canada and provincial courts;
- the consistency between *The Public Schools Act* and French-Language education governance;
- DSFM French-Language education governance;
- the effectiveness of this governance.

3.1 Provincial Level

In follow-up to the *Mahé* ruling in 1990, Manitoba undertook the process of implementing francophone school governance. In June 1990, the province hired a consultant who, in June 1991, presented a report aimed at establishing a Franco-Manitoban school division. The process was set into motion and community consultations took place in March 1992. This process provided communities with the option of joining the new division. That same year, the community referred the issue of the constitutionality of Manitoba's draft legislation on exclusivity to the Supreme Court of Canada. This reference is known as the *Manitoba Reference*. On July 27, 1993, Manitoba fulfilled its responsibilities regarding French-Language education governance by assenting to Chapter 33.

> "At the high end of the scale, the number of children would require the establishment of a minority language school board." (in *Manitoba Reference*)

And,

> " ... [I]f the province chooses to allow minority language parents a choice of school for instruction in the minority language, this should not be at the expense of the services provided by a French-language school board or hamper this board in its ability to provide services on a basis of equality as described above. Likewise, it would not be open to …carve school districts which unduly hampered such a school board from attracting students." (in *Manitoba Reference)*

Indeed, with the establishment of the DSFM, the government placed provincial French-language education governance into the hands of Franco-Manitobans.

The government therefore fulfilled its initial responsibility pursuant to the Supreme Court of Canada judgement. When it came time to establish the francophone division, the government chose to consult the rights holders. In some places, part of the community chose not to join the DSFM. Since *The Public Schools Act* does not address the exclusivity issue, the government had to decide whether French as a First Language education would be provided by the DSFM alone or if other school divisions could do so as well. The government chose the second option. The constitutionality of this decision was probed in the *Manitoba Reference*.

However, part of this ruling is worthy of our attention, namely the fact that if the province decides that French-language education may be provided in schools other than those of the Division that oversees this education, it must not be done at the expense of the services provided by the francophone division. This is a fundamental issue with a major impact in certain areas where the DSFM and another school division provide French-language education. It leads to a division of numbers, which in some cases are already limited, the partitioning of buildings and complicated arrangements for sharing of facilities and perhaps, as a result, reduced programming in the schools in question. In this type of situation, is the offer of French-language programs in an English-language division being made at the expense of what the francophone division can provide?

This situation is even more serious when the francophone school must share space with an English-language one. With respect to these two situations, one Supreme Court of Canada statement in the *Manitoba Reference* is clear and specific:

> "As a space must have defined limits that make it susceptible to control by the minority language education group, an entitlement to facilities that are in a distinct physical setting would seem to follow."

The numbers consideration, as indicated by the authorities in other judgements, is also important. In the event where French-language education is provided by a division other than the DSFM, it is managed by the school board of that division, which is an English-language board. However, the Supreme Court of Canada determined otherwise, for example in the *Mahé* ruling:

> "In general, wherever the numbers of students justify creating a minority language school, these numbers would also justify granting the minority language parents a measure of management and control."

Which is to say that such programs currently provided in schools within English-language divisions are French as a Second Language programs! The funding documents examined seem to concur. Some stakeholders expressed a certain frustration with respect to this matter during the consultations and those who chose to raise this issue were furthermore unanimous:

> [*Translation*] "The only school division authorized by *The Public Schools Act* to provide French as a First Language education is the DSFM. In the other schools* where French-language programs are offered, they are deemed to be French as a Second Language programs."

* The seven schools are:
Louis Riel School Division: École Provencher; Windsor Park Collegiate
Red River Valley School Division: École St-Malo
Turtle River School Division: École Laurier
Prairie Spirit School Division: St. Claude School Complex; Somerset Collegiate.

Moreover, in the same *Mahé* ruling, the Supreme Court of Canada states:

> "The persons who will exercise the measure of management and control are minority language parents or persons such parents designate as their representatives."

In the event where provider school boards continue to provide French as a First Language programs, is the governance of this education consistent with the abovementioned Supreme Court of Canada ruling and that which follows?

> "What is essential ... is that the minority language group have control over those aspects of education which pertain to or have an effect upon their language and culture."

This situation warrants a structured intervention with the community.

3.2 Recommendations

1. That the government initiate a process aimed at helping solve the dilemma associated with the provision of French as a First Language education in a system not governed by rights holders.

2. That the Department [of Education] expressly clarify, at the very least, the role and mandate of English-language school divisions with respect to French-language education (French as a First Language and French as a Second Language).

3.3 Divisional Structure and Governance

What Chapter 33 of *The Public Schools Amendment Act)* confirmed is that governance of French as a First Language education in Manitoba is to be conferred on members of the francophone community. Manitoba thus meets the requirements of a fundamental principle set out in the *Mahé* ruling of the Supreme Court of Canada cited above:

> "The persons who will exercise the measure of management and control are minority language parents or persons such parents designate as their representatives."

The Public Schools Act, Chapter 33, sections 21.4 to 21.13 detailed the structure of the francophone school board (CSFM). Until recently, this included regional committees. At a CSFM meeting in 2000, the school board's governance structure was discussed by trustees. The Department decided to commission a review of the issue in follow-up to discussions with trustees. Throughout the exercise, the CSFM monitored the issue closely and even facilitated certain aspects of the study. For example, the minutes of its January 23, 2001 meeting contain the following school board motion:

> [*Translation*] "That approval be granted to initiate the consultation process for the study of the governance structure and that the Division administration support the

> consultation meetings scheduled by Mr. Norbert Cenerini whenever possible."

Once the study was completed and the report submitted, the CSFM approved the report submission at its meeting of December 17, 2001:

> [*Translation*] "That the motion…approving the submission of the Independent Study of the Division scolaire franco-manitobaine - Governance Structure and Election Process, dated December 15, 2001, to the Department of Education, Training and Youth, be carried."

In follow-up to this report, regional committees were eliminated and the trustee election process was modified. There was unanimous consensus among the persons consulted during my review with respect to the appropriateness of these changes. This independent study is a good example of the extent to which the CSFM closely monitors all aspects of its governance. This is evident in the meeting minutes. I should point out that my consultations and readings of the minutes show that this structural change has not altered the importance given to community consultation by the CSFM with respect to the issues that concern it. Furthermore, in most cases, the CSFM took it upon itself to consult the community whenever necessary. An example of this is the 2001 parent survey regarding the programs and services delivered by the Collège universitaire de Saint-Boniface.

The CSFM created five framework committees to share the management responsibilities of certain areas and to ensure effective governance:

- finance committee;
- transportation committee;
- programming committee;
- policy committee;
- planning and communications committee.

Moreover, over the years, the trustees have struck ad hoc committees for specific needs. In order to assume their responsibilities and govern the DSFM in a professional fashion, they have adopted policies and procedures which have gradually been tailored to a new reality that more effectively meets needs. The version I examined is from 1998. From the documents studied, these policies are monitored by the school board. However, the number of closed meetings and committee meetings bears mentioning. While there is no question that these meetings are very useful, if the CSFM seeks to be as transparent as possible, the frequency of closed meetings could be examined.

The work done by framework committee members is important. Their deliberations are duly recorded in the minutes, and their motions are made or carried, as applicable, by the school board at subsequent official meetings. At times, in order to make better-informed decisions, the CSFM commissions more in-depth studies, such as the following:

• Independent Study of the Governance ... by Norbert Cenerini	2001;
• Ressources éducatives[3]... by Roland Pantel	2003;
• Vers l'égalité des résultats[4]... by Normand Boisvert	2001;
• Working committee	1999;
• Analyse de l'arrêt[5]... by Paul Rouleau	2001;
• Étude en matière d'immobilisation[6]... by Aimé H. Delaquis	2003.

An additional comment regarding policies and procedures. The DSFM's policies and procedures document has been clearly organized under seven headings:

- legislative context [le contexte legislatif];
- general policies [les politiques générales];
- administrative context [le contexte administratif];
- staff [le personnel];
- school programs [la programmation scolaire];
- pupils [les élèves];
- facilities and equipment [les installations et l'équipement].

It contains everything school trustees and administrators require to govern the DSFM effectively. CSFM meeting minutes are, on the whole, adequately prepared. However, follow-up requirements should be recorded with greater detail and clarity. More specific and precise indications about the subject of the follow-up and the follow-up itself would facilitate the reading and understanding of CSFM activities and issues.

The CSFM is accountable to the Department of Education, Citizenship and Youth for its general governance. An important part of this accountability and governance relates to finances. The CSFM must therefore satisfy certain associated departmental requirements. For example, it must comply with the following:

- a budget must be prepared and tabled;
- this budget must be balanced and, if a deficit is shown, the latter must not be accumulated over several years;
- audited financial statements must be submitted on an annual basis;
- capital needs must be projected in a five-year business plan.

These requirements have been met. Budgets have been prepared; some show an annual deficit that is corrected during or at the end of the fiscal year, while others show a financial surplus. The financial statements have also been submitted and show satisfactory accountability.

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[3] Translator's Note: Available in French only. Suggested English rendering: Educational resources: comparison of the availability and cost of French- and English-language curricular material in Manitoba.
[4] Translator's Note: Available in French only. Suggested English rendering: Towards an equality of outcome.
[5] Translator's Note: Available in French only. Suggested English rendering: Analysis of *Arsenault-Cameron v. Prince Edward Island*
[6] Translator's Note: Available in French only. Suggested English rendering: Capital projects analysis.

I want to return briefly to the issue of budgets showing a deficit. In 1999-2000, for example, the CSFM tabled a budget showing an operating deficit of $3,262,857, a great deal higher than the 1998-1999 budgeted deficit of $350,990. In his letter of June 19, 1999 to CSFM chair, Yolande Dupuis, Deputy Minister John D. Carlyle expresses serious reserves about this deficit and asks the CSFM to prepare a five-year business plan to be submitted to the Department by August 16, 1999. This plan was to "clearly identif[y] the priority expenditures of the DSFM attributable to the unique aspects of your jurisdiction in school governance matters", and was to be subsequently used in negotiations between the governments of Canada and Manitoba. Elsewhere in this letter, the Deputy Minister indicates his expectation that the DSFM "manage its affairs" within the financial means available to it. The fact that in spite of this warning from the Deputy Minister, the DSFM continued to project a budget deficit in subsequent years is cause for concern:

• 2000-2001	projected deficit	$4,825,425;
• 2001-2002	projected deficit	$1,037,251;
• 2002-2003	projected deficit	$3,342,624;
• 2003-2004	projected deficit	$2,962,817.

However, for 1999-2000, 2000-2001 and 2001-2002, DSFM financial statements show it finished the year with a surplus:

• 1999-2000	accumulated surplus	$1,534,669;
• 2000-2001	accumulated surplus	$2,874,700;
• 2001-2002	accumulated surplus	$3,109,079.

The significant difference between the projected deficit and the actual surplus in 2000-2001 is primarily due to the fact that the budget projected federal funding at $94,000 when in fact, this revenue amount is reported in the financial statements as $3,408,760. The Canada-Manitoba Agreement negotiated that year brought in much more than expected.

Nonetheless, it is unusual to project an annual deficit over five consecutive years, especially after the Deputy Minister's letter of June 19, 1999. There are significant differences of opinion in pinpointing the cause for such projections: the DSFM's failure to manage its affairs within its means, the underfunding of the DSFM, or a combination of the two.

To better understand this situation, consider a brief analysis of the budget and financial statement data for 2001-2002.

Table 1: 2001-2002 Budget and Financial Statements

	Budget ($)	Financial Statements ($)
Revenue		
Manitoba	22,626,710	22,823,055
Federal	3,084,000	3,141,196
Municipal	9,866,732	10,238,718
Other School Divisions	202,000	264,532
First Nations	0	0
Private	32,000	54,020
Other Sources	0	159,056
Total	**35,811,442**	**36,680,577**
Expenditures - Programs		
Regular Instruction	21,279,314	21,060,421
Special Needs	3,855,522	3,824,187
Adult Education	0	0
Community Services	15,000	157,934
Division Administration	1,615,906	1,496,562
Instructional and Pupil Support Services	2,441,963	2,370,916
Transportation	2,896,453	2 919,557
Operations/Maintenance	3,979,333	3,924 382
Taxes	584,000	598,037
Total	36,667,491	36,351,996
Surplus (Deficit)	(856,049)	328,581
Less Net Transfer to the Capital and Loan Fund	181,202	94,202
Net Surplus (Deficit)	(1,037,251)	234,379

It is difficult to come to any definitive conclusions. However, it is clear, based on these reports, that the DSFM received more funds than expected, and that in some cases it spent less, and in others more, of these funds. For example, it spent much less than projected for Regular

Instruction ($218,893) and for Division Administration ($110,344), while it spent more than projected in Community Services ($142,934). During this fiscal year, the DSFM received $872,135 more than its budget projection and spent $315,495 less.

It should be noted that for 2002-2003, the DSFM shows an actual deficit of $1,262,176, given that it no longer has the surplus needed to absorb such a shortfall. Since the legislation stipulates that a division may not accumulate a deficit, this situation will have to be addressed in the 2003-2004 budget.

Another item that drew my attention is school trustee remuneration. CSFM trustees receive an annual honorarium, plus an additional honorarium for each meeting attended. Furthermore, all of the expenditures of school trustees when representing the CSFM in an official capacity are covered. To reimburse a trustee for expenses incurred during an official function is entirely normal. However, the DSFM should seriously consider doing what other provinces do and pay an annual honorarium that includes all meetings.

The five-year capital plan presented in follow up to stakeholder consultations was submitted to the Department on time. The **Capital Support** section of this report further details this issue. The **Funding** section that follows it will provide more detailed and current information on DSFM funding and financial management.

It should be added that the contribution of the administrators responsible for these matters and the two associated framework committees play a significant role in governance for these areas. This review, however, is not a financial audit. I leave that to the experts in the field. However, I have read and examined the financial documents and have found no anomalies. Furthermore, the auditors, within the parameters of their examinations, found none either. The CSFM's management of all of the Division's affairs is consistent, appropriate, equitable and fair, and it fulfils the responsibilities conferred on it by the legislation and regulations.

In a continuous effort to enhance their governance, the trustees have hired professionals to lead professional training sessions. For example, one such session lead by Ronald Bisson was held on December 2, 2002. As has already been mentioned in this section of the report, it is vital that the CSFM maintain the greatest possible transparency in its governance.

I come back to this issue since, in terms of financial management (including capital projects and transportation), it is beneficial and desirable to be as straightforward as possible. CSFM meeting reports should provide the most complete information possible, particularly with respect to financial matters. The DSFM distributes an annual report to the community, an admirable initiative that informs stakeholders of the achievements, successes, challenges addressed and overcome, important concerns, and capital and pertinent information regarding certain governance issues.

All routine governance by school system administrators is based on the policies and directives of the CSFM, to which they are accountable. To fulfil its duties, the CSFM hired a Superintendent who is accountable to it for this governance, with the exception of the financial area, where it is the Secretary/Treasurer, rather than the Superintendent, who reports to the CSFM. The organization chart below details this organization.

Table 2: CSFM Organization Chart

Commission scolaire franco-manitobaine	
Secretary-Treasurer	**Superintendent**

Assistant **1st Assistant Superintendent** **2nd Superintendent**

Under the Assistant to the Secretary-Treasurer

- **Finance**
- **Payroll Clerk**
- **Accounts Payable Clerk**
- **Secretary/Receptionist**
- **Computer Services Coordinator**

Under the 1st Assistant Superintendent

- **Promotion/ Hiring**

- **Administration**
- **Transportation and Maintenance**
- **Assistant**
- **Maintenance Clerk**
- **Division Mail**
- **Caretakers**

- **Administrative Assistant**
- **School Support Staff**
- **Division Office Personnel Working Conditions Admin.**
- **Computer Technicians**

- **School Governance**
- **Teachers**
- **Secretaries**
- **Teachers' Assistants**
- **Librarians**
- **Caretakers**

Under the 2nd Assistant Superintendent

- **Coordination**
- **Specialists**
- **Clinicians**

- **Cultural Services Programming**
- **Early Childhood (ages 3 and up)**
- **Early Childhood (0-36 months)**
- **Pupil Services**
- **Education Technology (Middle Years)**
- **Vocational and Technology Education (Senior Years)**
- **Behaviour Intervention**
- **Physical Education /Health Education /Sports**
- **Computer Coordination**

An analysis of this organization chart and the responsibilities of the superintendent, the secretary-treasurer and the assistant superintendents show an unusual chain of accountability.

In terms of the DSFM, the person occupying the Superintendent position should be accountable to the CSFM for overall governance. The sharing of responsibilities of the assistant superintendents is still possible and desirable, since all of the work cannot be done by one person alone. The major areas such as finance, programming and personnel management would be shared between two or three other administrators, who would be accountable for their duties to the superintendents. The description of duties and responsibilities needs to be revised. The structure should have the Superintendent as the only position accountable to the CSFM in all areas.

The issue is not that the various areas of responsibility are poorly managed, but accountability should be placed where it belongs. Such a change might result in adjustments in the sharing of these responsibilities. This restructuring could also result in enhanced governance through a more sober but no less effective structure.

3.4 School Governance

School system governance also involves management of schools and elements that are the responsibility of the school administration. To be effective, this governance must be consistent in all schools, while taking into account the unique aspects of the environment, the school itself, the buildings, staff, programs, etc. The DSFM has developed a very appropriate *Guide administratif pour la direction d'école* [administrative guide for school governance]. It contains CSFM policy directives for school governance through its administration. The administration is therefore accountable for the implementation of these policies and for governance that is consistent with the parameters set out in the guide. As a result, this governance is part and parcel of the evaluation of the school administration conducted by Division officials. School administrations are accountable to the DSFM for their management based on the guidelines and policies, and the DSFM is in turn accountable to the CSFM. The directives are too numerous to include in this document; however, a list of the main headings is an indication of its content:

- General guidelines: e.g.,- medication protocol, discipline, emergency plans, the media, special transportation, advertising in schools, fund raising, etc.
- Personnel: e.g.- conflict of interest, harassment, secondment, personal property, monitoring to ensure excellence, personnel/employee appraisal, etc.
- Finance: e.g.- petty cash, tendering process, procurement, etc.
- Programming: e.g.- field trips, courses outside the DSFM, pre-requisites, etc.
- Pupil Services: e.g.- early entry, *programme d'accueil* phase, communicable diseases, child protection, etc.
- Transportation: e.g.- special transportation, parking fees, capital project, etc.

The policies and guidelines are clearly defined. In some cases, the appropriate form is included, which greatly facilitates implementation. Some guidelines, in particular those regarding special transportation of pupils in private vehicles, should be revised to ensure the quality of this type of transportation, especially with respect to insurance and the condition of the vehicle used to transport pupils. It is obvious that DSFM policymakers have considered these issues, but revisiting them would validate the policy or allow for the necessary changes to be made. It might also be necessary to ensure that a framework for fund-raising and financial resource management is presented in the policies and guidelines. The directives are clear with respect to petty cash and should be equally so for all financial resource management by school administrations.

Based on the parameters set out in these policies, the school administration manages its affairs adequately, but this does not get in the way of its creativity. On the contrary, the few visits to facilities that I was able to make revealed that the administrations are very active in their school communities and environment. The leadership shown by these people is inspiring, and prompts those around them to get involved in certain school activities and the community as a whole. In one place I visited, the principal's contribution to his community is manifest. Not only does he contribute to the growth of his milieu, but he provides training for others in the province and across Canada. To have such an impact is satisfying, and the visibility this gives him as an individual, as well as the DSFM, is most rewarding. However, the primary role of the school administration is to manage school affairs, which is a demanding enough undertaking.

Since its inception in 1993, the DSFM has enjoyed the support of the Department's *Bureau de l'éducation française*. Over the years, these partners have developed and coordinated their efforts to help francophone learners in Manitoba achieve their full potential.

It is important to continue to build along these lines by promoting further dialogue between DSFM administrators and government officials, and by continuing the excellent collaborative efforts in areas like programming and training.

Some argue for a better defined sharing of responsibilities in French as a First Language and French as a Second Language education. In this regard, it is realistic and relevant to consider changing the organization chart of the *Bureau de l'éducation française* to establish two senior management positions under the authority of the Assistant Deputy Minister, one for French as a First Language education, and the other for French as a Second Language education. These changes would definitely help reduce any ambivalence between Department of Education governance with respect to French as a First Language education and French as a Second Language education.

During the consultations, some individuals suggested that the DSFM be given entire responsibility for developing French as a First Language programs, given the fact that there is only one francophone school board in Manitoba and it is best qualified to perform this task. I do not share this opinion. There has to be province-wide consistency in elementary and secondary school programs with respect to overall expectations. The Department of Education is the appropriate body to assume this responsibility. And there is nothing to prevent these broad program parameters from being prepared in consultation with the appropriate DSFM authorities with respect to French as a First Language education, as is currently the case. The DSFM could use these departmental statements to complete the task, given that this is its responsibility and current practice.

Findings:

- any decisions made by jurisdictions regarding French as a First Language education, including those regarding facilities, must not hinder this education, particularly in the event of coterminous English-language division facilities;
- the fact that some francophone communities did not join the DSFM has had the unfortunate effect of dividing the francophone school community;
- overall, CSFM governance of education and financial resources complies with departmental requirements;
- in follow-up to the correction of a budget deficit in June 1999, the DSFM projected a budget deficit for the next five years, while the financial statements showed a surplus, except for 2002-2003;
- CSFM policies and guidelines are generally well prepared and consistently implemented;
- the policies and guidelines in the *Guide administratif pour la direction scolaire* are on the whole clearly set out and consistently implemented;
- certain improvements to the CSFM and school administration policies and guidelines are considered desirable;
- school trustees receive an annual honorarium plus an additional honorarium for every meeting attended over and above what is included in the annual honorarium. All travel costs are also reimbursed;
- changes to the Bureau de l'éducation française could clarify the Department's responsibilities with respect to French as a First Language or French as a Second Language education.

3.5 Recommendations

3. That Manitoba Education, under the direction of the Assistant Deputy Minister, responsible for the Bureau de l'éducation française Division, establish two directorships: administration of French as a First Language Education, and administration of French as a Second Language Education.

4. That the DSFM present a plan for improving its financial situation in order to preclude an accumulated deficit.

5. That a review of school trustee remuneration be conducted to consider factors such as honoraria, meetings, and travel, and that such remuneration include attendance at meetings.

6. That the DSFM organization chart, and the number, roles, mandate, responsibilities and accountability of administrators be revised to more accurately define their work and that of DSFM trustees.

7. That the DSFM hold closed meetings only when it is deemed absolutely necessary, to promote

the greatest possible transparency while complying with school board policy.

8. That the DSFM improve its meeting minutes so they clearly indicate the follow-up required after each meeting and record the status of this follow-up at subsequent meetings.

PART 4 - PROGRAMS

4.1 Background

When the Division scolaire franco-manitobaine was established in 1993, it had to address a major challenge: that of serving the Franco-Manitoban community with respect to elementary and secondary education.

Aware of this role, the DSFM undertook an exciting mission:

- to ensure quality education and training to its Franco-Manitoban students in a setting that promotes the development of individuals who are autonomous, successful, competent, strong in their identity, and proud of their language and culture;
- to establish a community education project, governed by Franco-Manitoban parents, and which reflects the values and interests of the Franco-Manitoban community.

To achieve this mission, the DSFM required implementation mechanisms and the necessary support from the governing jurisdictions in the education field. This meant that the DSFM had to make the following, among other things, a priority:

- develop quality programs available to all client groups in the territory it serves;
- secure access to buildings suited to providing these programs;
- obtain funding that enables it to govern the entire system and establish a transportation system that guarantees pupils access to their schools;
- hire qualified personnel to deliver the required services.

School divisions in Manitoba have some leeway with respect to the programs they can offer in schools. However, as in most of the provinces, the Department of Education determines the parameters of this programming. The departmental statements are more specific and less flexible in respect of elementary programs and compulsory secondary courses, but much more flexible as far as optional courses are concerned. This is the case in Manitoba. I received no negative comments in this respect, and in fact, any comments made were favourable.

In a document entitled *Increasing Choice and Flexibility: Changes to Senior Years Graduation Requirements* published in March 2001, the Department of Education, Citizenship and Youth sets out its programming policy for the elementary and secondary levels. Without going into great detail, a general overview of the elementary and secondary program requirements prescribed by the Department of Education is appropriate.

The elementary program consists primarily of compulsory subject areas. In addition, certain optional subjects, like religion, may be taught. The table below is a general description of these programs.

Table 3: Time Allotments - Grades 1 to 8

FRANÇAIS PROGRAM – Recommended time allotments		
Subject Areas	**Grades 1 to 6**	**Grades 7 and 8**
Compulsory Français [French] Anglais* [English]	35%	27%
Mathématiques [Mathematics]	15%	17%
Sciences de la nature [Science]	10%	13%
Sciences humaines [Social Studies]	10%	13%
Éducation physique et éducation à la santé[Physical Education/Health Education]	11%	9%
Arts [Art]	10%	8%
Optional e.g..: éducation religieuse [Religion], etc.	9%	13%
Total	100%	100%

* Anglais is a Compulsory subject area from Grade 4 to Senior 4. School divisions/districts and schools may elect to teach Anglais in Grade 3.

There is greater flexibility at the secondary level. To earn a Senior Years diploma, a minimum of twenty-eight (28) credits is required, of which nineteen (19) are from Compulsory subject areas (18 for pupils enrolled in the Technology Education Program). The other nine (9) Optional credits (10 for the Technology Education Program) are from Optional subject areas. These optional subjects (Optional Program) may be developed on a local level. The schools may develop the School-Initiated Courses (SICs) or the Student-Initiated Projects (SIPs). Details are in the following two tables:

Table 4: Senior Years Français/French Immersion Technology Education Program

Senior Years Graduation Credit Requirements
(Minimum of 28 credits)

Compulsory Credits: 18

Senior 1		**Senior 2**		**Senior 3**		**Senior 4**	
Compulsory Subject Areas (6 credits)		**Compulsory Subject Areas (6 credits)**		**Compulsory Subject Areas (3 credits)**		**Compulsory Subject Areas (3 credits)**	
Français [French]	1	Français [French]	1	Français [French]	1	Français [French]	1
Anglais or English L-A * Immersion	1	Anglais or English L-A *Immersion	1	Anglais or English L-A *Immersion	1	Anglais or English L-A *Immersion	1
Mathématiques [Mathematics]	1	Mathématiques [Mathematics]	1	Mathématiques [Mathematics]	1	Mathématiques [Mathematics]	1
Sciences de la nature [Science]	1	Sciences de la nature [Science]	1	Sciences de la nature [Science]	1		
Sciences humaines [Social Studies]	1	Sciences humaines [Social Studies]	1				
Éducation physique et Éducation de la santé [Physical Education/Health Education]	1	Éducation physique et Éducation de la santé [Physical Education/Health Education]	1				

Senior Years Technology Education Program Credits: 8 to 10

- A minimum of 8 to a maximum of 10 approved credits are required from within an approved Senior Years Technology Education Program cluster.
- Students must also must fulfil the minimum 28 credit graduation requirements, along with the optional credits (0 to 2) from the courses listed below.
- To graduate with an approved **Senior Years Apprenticeship Option,** students must complete the 18 compulsory requirements and 8 approved Senior Years Apprenticeship Option credits, along with the optional credits (0 to 2) from the courses listed below.

* Anglais for students in a Français Program; English L-A Immersion for students in a French Immersion Program.

Optional Credits: **0 to 2 from subject areas such as:**

- autres langues [other languages]
- sciences de la nature [Science]
- mathématiques [Mathematics] (additional)
- les arts [Art]
  - . arts plastiques [Visual Arts]
  - . éducation musicale [Music]
  - . arts dramatiques [Drama]
  - . danse [Dance]

- éducation physique [Physical Education]
- éducation à la santé [Health Education]
- Language Arts (additional)
- vie autonome [Skills for Independent Living]
- études technologiques [Technology Education]
  - . formation professionnelle industrielle [Industrial Vocational]
  - . économie familiale [Home Economics]
  - . arts industriels [Industrial Arts]

- Students must ensure that they meet the entrance requirements of the post-secondary education, training, or work situations they intend to pursue.
- Within the approved Senior Years Technology Education Program cluster, students must complete a minimum of two (2) Senior 3 credits and two (2) Senior 4 credits.
- **Note:** School-Initiated Courses (SICs) and Student-Initiated Projects (SIPs) may be used to fulfil the graduation requirements within the optional credits to a maximum of 11 and 3 respectively. Depending on the different requirements of the four school programs, the number of possible SICs used as optional credit may vary.

Table 5: Senior Years Français Program
Senior Years Graduation Credit Requirements
(Minimum of 28 credits)

Compulsory Credits: 19

Senior 1		Senior 2		Senior 3		Senior 4	
Compulsory Subject Areas (6 credits)		**Compulsory Subject Areas (6 credits)**		**Compulsory Subject Areas (4 credits)**		**Compulsory Subject Areas (3 credits)**	
Français [French]	1	Français [French]	1	Français [French]	1	Français [French]	1
Anglais	1	Anglais	1	Anglais	1	Anglais	1
Mathématiques [Mathematics]	1	Mathématiques [Mathematics]	1	Mathématiques [Mathematics]	1	Mathématiques [Mathematics]	1
Sciences de la nature [Science]	1	Sciences de la nature [Science]	1	Sciences humaines [Social Studies]	1		
Sciences humaines [Social Studies]	1	Sciences humaines [Social Studies]	1				

Éducation physique et Éducation de la santé [Physical Education/Health Education]	1	Éducation physique et Éducation de la santé [Physical Education/Health Education]	1				

Optional Credits: **9 from subject areas such as :**

- Français [French] (additional)
- Anglais [English] (additional)
- Autres langues [other languages]
- Mathématiques[Mathematics] (additional)
- Sciences de la nature[Science] (additional)
- Sciences humaines [Social Studies] (additional)
- Éducation physique [Physical Education]
- Éducation à la santé [Health Education]

- études technologiques [Technology Education]
    - formation professionnelle [Vocational]
    - économie familiale [Home Economics]
    - affaires et commercialisation [Business and Marketing Education]
    - arts industriels [Industrial Arts]
- les arts [Art]
    - arts plastiques [Visual Arts]
    - éducation musicale [Music]
    - arts dramatiques [Drama]
    - danse [Dance]
- vie autonome [Skills for Independent Living]

- Students must ensure that they meet the entrance requirements of the post-secondary education, training, or work situations they intend to pursue.
- Within the optional subject areas, students must complete one (1) Senior 3 credit and one (1) Senior 4 credit.
- **Note:** School-Initiated Courses (SICs) and Student-Initiated Projects (SIPs) may be used to fulfil the graduation requirements within the optional credits to a maximum of 11 and 3 respectively. Depending on the different requirements of the four school programs, the number of possible SICs used as optional credits may vary.

Some of these programs require more specialized space and equipment. For example, secondary-level Science, technology, woodworking and other similar subject areas fall under this category. Often, especially – but not exclusively - in more remote locations, this type of space is not available. Therefore, for the lack of a better option, this learning has to be done via distance or correspondence courses (e.g., in 2002-2003, 29 pupils used this service), or even via courses prepared by the pupils themselves and approved by the Department. These alternatives are very important, as they allow the pupils to take advantage of programs that would otherwise not be available to them. Many of the individuals consulted recognize the importance of distance and correspondence courses:

> "Without distance and correspondence courses, some pupils would not be able to pursue their interests, since several schools do not have shops and the provider school divisions make the sharing of space difficult if not impossible."

This statement is a particularly apt description of the situation of more remote schools with lower numbers of pupils, where the *français* school attended is the only one in the area, where space is more limited, and where distances are too great to even consider attending the nearest *français* school with the desired program.

The difficulties posed by inadequate infrastructures for distance courses were also mentioned. Some truly innovative and original initiatives have been implemented in an attempt to remedy these difficulties. I note in particular the construction of a communications tower in the Seine Valley region, made possible through a liaison between the DSFM, an English-language school division in the region, the University of Manitoba, and the cooperative community environment. There are plans to erect new towers in other regions.

It is also important to note that in such situations of isolation, as well as cases where there is a lack of specialized classes, the DSFM relies on the English-language school divisions for certain subject area offerings. In 2002-2003, 25 DSFM pupils took courses in English-language schools including: Red River Technical Vocational Area, Winnipeg Technical College, Saint-Boniface Arts and Technology Centre and Dauphin Regional Comprehensive Secondary School.

This situation warrants the following question: Can the DSFM, in such circumstances, provide quality programs and services in keeping with its specific mandate? To answer this question, certain components must be considered:

- financial resources;
- personnel;
- programs;
- textbooks and curricular material;
- school facilities;
- cost effectiveness.

4.2 Financial Resources

Indicator:

- adequate financial resources available to provide quality education.

The DSFM program offer complies with the requirements of the Department of Education. This is confirmed by the analysis of the programs offered in different schools. However, this programming is more limited in communities where the school does not have all of the facilities and equipment required to offer a broader range of courses. The principal in one generously equipped school noted:

> "We are able to meet pupils' needs with our current facilities."

However, another commented:

> "I do not have the facilities that would allow me to offer more diversified programs. We must rely on distance courses and the other division's school facilities. My programs are primarily academic."

The financial resource issue is examined in detail in the **Funding** part of this report. However, I can definitely say that, depending on the role and responsibilities of the persons I consulted, there is no consensus on this issue. Many argue there is a need for more resources and often rely on case law to justify their claims. Others simply insist that funding is not adequate. The opposite opinion also exists. Still others say that on the whole schools seem to have the resources they need. One parent put it succinctly:

> "My child has what he needs."

4.3 Personnel

Indicator:

- available personnel required to provide quality programs;
- accessible support services for personnel.

Generally speaking, all of the stakeholders feel that in most cases the DSFM has the personnel required to provide the necessary programs and services. A few, however, expressed some reserves. In their opinion, it is not always possible to find the teachers to provide specialized instruction for Special Needs, speech therapy, Industrial Arts, Science, etc…Recruitment outside the province is required, and even so… Many stakeholders are concerned about the province's ability to prepare sufficient numbers of teachers. Incidentally, this situation exists in other provinces as well, which points to the potential scope of the problem. It is vital to prepare a new generation of teachers, and ensure the availability of personnel qualified to deliver programs and services. One significant problem regarding personnel allocation is the ability to attract teachers, especially in rural areas. One school administrator told me:

> "Last year, I advertised position openings at my school and did not receive a single response!"

Another aspect of teacher training is professional development and training. Much of this type of work is done through a variety of sessions and activities that are individually and jointly sponsored by the *Bureau de l'éducation française* and the DSFM in partnership with other agencies. Furthermore, the collaboration between the Department and the DSFM was acknowledged in a report prepared in November 1998 by the DSFM:

> [*Translation*] "Our professionals are constantly being asked to participate in committees…and workshops."

In some cases, experts have been hired for this professional development and training. Needless to say, this training is costly when the session leaders sometimes come from outside the province and have to travel a long way. Page 6 of the DSFM November 1998 report reads:

> [*Translation*] "Francophone resources often come from outside the province, which results in additional costs."

We will come back to these costs in the part of this report that addresses financial issues. Other collaborative projects are worth mentioning. First, establishing a training program in partnership with other institutions and agencies can play an important role in professional development and upgrading, and preparing a new generation of teachers (e.g., Programme de formation au leadership – le Mentorat – Projet de Partenariat[7] between the Collège universitaire Saint-Boniface, the DSFM, the Association des directeurs et directrices d'écoles franco-manitobaines[8] and Les Éducateurs et éducatrices francophones du Manitoba[9]).

Another initiative, the "Pan-Canadian French as a First Language Project", sponsored by the Council of Ministers of Education, Canada, bears mentioning. The results were only just recently presented (September 30th and October 1st, 2003) at the ACELF[10] congress. There were two components to this project, the spin-offs of which could prompt the CMEC to sponsor other joint projects in the area of French as a First Language education. It should be noted that Manitoba is in charge of the second component, focusing on francisation, or re-sensitization to the French language. The objective is to produce a training kit for French-language teachers from Kindergarten to Grade 12. A statement in one of the reports reveals the importance of such an initiative:

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[7] leadership training program – mentorship – partnership project [French only]

[8] Franco-Manitoban school principals association [French only]

[9] Manitoba francophone teachers association [French only]

[10] Association canadienne d'éducation de langue française – Canadian association of French-language education [French only]

> [*Translation*] "Designed to guide and promote the francisation efforts of teachers as well as the future development of publishers' francisation resources..."

It is important to mention the excellent work done by DSFM central office coordinators who provide training, develop learning tools, and support teachers' assistants working in the schools. The latter offer support services that are extremely helpful to teachers, pupils, and even parents in areas such as francisation, *programme d'accueil*, Special Needs, Special Education, etc.

Volunteers are another element of assistance available in many DSFM schools. In fact, there is significant volunteer involvement in DSFM schools. These men and women contribute to the delivery of services that would otherwise not be offered or would require a major resource investment if they were. In most cases, volunteers seem to be adequately organized. Schools oversee volunteer efforts on an individual basis without divisional directives. Furthermore, a November 1998 DSFM report (page 6) states: [*Translation*] "A framework for volunteer recruitment and management is required." I was unable to identify a volunteer management policy in the *Guide administratif pour la direction d'écoles* revised in August 2002.

Findings:

- the DSFM generally seems to be able to find the teachers and educators required to ensure instruction and delivery of related services;
- it is more difficult to find teachers for certain subject areas;
- the existing infrastructures may not have the ability to prepare enough new teachers;
- francisation training of French-Language teachers, a fundamental issue in Manitoba, could greatly benefit from the CMEC kit and other projects favouring the sharing of resources in French as a First Language education;
- the Department of Education has an important task within the CMEC to promote the collaboration between the provinces and territories with respect to French as a First Language teaching; at the divisional and local levels, teachers' assistants play an important role for teachers, pupils and parents;
- a framework is required for volunteer recruitment and management.

4.4 Recommendations

9. That a study be conducted to identify potential teacher shortages so that the required remedial action can be taken.

10. That the DSFM take any necessary measures to improve the framework for the recruitment, the level of involvement and the work of volunteers.

4.5 Programs

Indicators:

- departmental programs available in elementary and senior years;
- review and implementation of programs that are consistent with departmental directives;
- array of services available for school programs;
- required curricular material available.

4.5.1 Development, Review, and Implementation

In March 2001, in follow-up to a consultation process, the Department of Education, Citizenship and Youth published the document *Increasing Choice and Flexibility: Changes to Senior Years Graduation Requirements,* which clearly and precisely sets out the senior years graduation requirements and time allotments for Grades 1 to 8 and Senior 1 to 4.

Under the leadership of the Curriculum Development and Implementation Branch, the Department publishes documentation to provide a framework for elementary and secondary programming. It is important to note that the French as a First Language education components of these documents are developed in partnership with the DSFM. In a document published by the DSFM in November 1998, the Division acknowledges the contribution of its staff on page 6:

> [*Translation*] "Our professionals are constantly being asked to participate in Department program committees."

The Department also acknowledges the contributions of teachers. For example, page 1 of the *Kindergarten to Grade 8 Social Studies* document reads thus:

> "The Framework is the result of the collaboration of two divisions of Manitoba Education and Youth: School Programs Division and the *Bureau de l'éducation française*. The framework development team consisted of teachers from English, French, and French Immersion Programs, Aboriginal teachers and consultants, and university advisors in history, geography, and education."

The outcomes detailed in the departmental documents are the same for French as a First Language education and French as a Second Language education (French-language instruction in the English-language divisions), especially for subject areas like Mathematics and the various sciences. This applies even more specifically to programs with language and cultural components, such as French, Social Studies, Art, and, to some extent, Natural Sciences. The departmental programs already recognize the importance of statements and outcomes that emphasize the Franco-Manitoban cultural component in such programs.

> "Some specific learning outcomes are designated as distinctive learning outcomes for Aboriginal (First Nations, Inuit, and Métis) or francophone students. Distinctive learning

outcomes complement the specific learning outcomes. They are intended to enhance the development of language, identity, culture, and community for Aboriginal and francophone students." (*Kindergarten to Grade 8 Social Studies. Manitoba Curriculum Framework of Outcomes*, p. 19)

This document proposes a series of outcome objectives for each grade. Here are a few examples. Students will:

- Recognize that their identities are connected to the history of their community;
- Value personal connections to stories of their [francophone] community's past, etc.

The same comments can be applied to the S1 to S4 programs. The goals and objectives of one DSFM secondary school, a few of which are listed below, are a good illustration of this implementation:
[*Translation*]

- Develop personal citizenship and value their membership in the Franco-Manitoban, French Canadian, and North American communities;
- Develop their ability to think and act in French, through cultural presentations and activities...;
- Develop attitudes and skills to prepare for the working world, and include accepting the need to earn a living...;
- Develop individual intellectual skills intended to foster students' self-assured, comfortable and effective communication in French;
- Develop an understanding of civilization through the study of the arts, humanities, and sciences.

Based on these outcomes and Foundation for implementation documents developed by the Department, the DSFM, in collaboration with the Department, prepares and implements the pedagogical interventions. The teachers who shoulder most of this responsibility are supported by a team of educators who cover the entire DSFM territory out of the Division's offices. The programs provided in DSFM schools are consistent with the Department's directives and delivery of these programs in the classroom, or through distance or correspondence courses satisfies the Department's requirements. Program activity coordination through the DSFM's curriculum branch provides important services to the entire school territory. The training provided through liaisons with the Department and other institutions working in the education field is a valuable asset.

The partnership and collaboration between Western and Northern Canadian provincial and territorial government agencies with respect to program development through the *Western and Northern Canadian Protocol for Collaboration in Basic Education* is crucial. Similar collaboration also exists among the teams who develop programs within Manitoba.

This type of cooperation and mutual assistance is admirable. However, here again, it is important to ensure that French as a First Language programs integrate the core aspect of first language and culture, especially for subject areas with linguistic and cultural connotations like Social Studies and French.

This is not an issue at the local and divisional levels. The content in such subject areas seems consistent with the affirmation, discovery, and expression of French language and culture in Manitoba. The DSFM encourages extracurricular sports and cultural activities, and invests the appropriate resources within its means. Activities that complement instruction are important and promote language and culture. One educator put it thus:

> [*Translation*] "Pupils really enjoy sports and cultural outings. These field trips are important because they are a complement to our teaching."

The 2001-2002 activity report prepared by Superintendent Léo Robert confirms the merits of the programs based on pupils' results. For example, he notes the degree of success of Grade 6 pupils in French and remarks that greater emphasis must be placed on writing skills. He mentions a few liaisons, such as that with the Collège universitaire de Saint-Boniface for the Health Care Aide [*Aide en soins de santé]* offer and linguistic vitality, and with the Manitoba Economic Development Council for entrepreneurship training of pupils. These types of initiatives enhance school program offerings.

4.5.2 *Accueil,* Francisation and Recovery

As indicated earlier in this section, the type of service delivery and programs offered in DSFM schools are in many cases tied to specific factors such as school enrolment, available personnel, and school buildings. A significant problem is raised with respect to school enrolment. I earlier referred to the statistics regarding the passing on of the French language and culture. Exogamy is invoked as the primary cause for the decline in this transmission. The DSFM, with the support of the Department, has developed a program used in an attempt to counter this trend, thereby improving the situation and increasing school enrolment.

If it is true, as proposed by Fraser Mustard in his many studies and conferences, that learning must start at a tender age, efforts to recover DSFM eligible pupils as early as possible are legitimate; hence the preschool program. Several stakeholders I spoke with felt that:

> [*Translation*] "It is important to integrate younger children into our schools, perhaps through on-site daycares, in order to subsequently bring them into the school system."

In the document *Demande d'appui financier pour l'établissement des Centres de la petite enfance-Pour un regroupement de programmes et de services destinés à la petite enfance et à la famille*[11], submitted by the Fédération provinciale des comités de parents du Manitoba [provincial parent committee federation of Manitoba - FPCP] and the DSFM, the issue of early childhood education in Manitoba is presented thus:

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[11] Translator's Note. In French only. Suggested English rendering: Request for funding to establish early childhood centres – For a coalition of programs and services for families and young children

> [*Translation*] "Access to quality programs and services in French from a young age is essential in helping Franco-Manitoban girls and boys achieve their full potential. However, in many locations, no francophone community infrastructures exist to ensure an array of programs and services for preschoolers and their families."

In this respect, the francophone Early Childhood Coalition [Coalition de la petite enfance], along with other initiatives like the Healthy Child program, play a very important role in Manitoba:

> [*Translation*] "…to develop and offer a full and consistent array of French-language programs and services aimed at meeting the needs of francophone children in all aspects of their development."

The Coalition has targeted programs such as literacy, numeracy, mixed family support, parent awareness, and early identification and intervention.

Optimum early childhood service delivery depends on the coordinated efforts of potential stakeholders. In Manitoba, they sit at the same table at the Coalition, and leaders must do everything humanly possible to ensure quality service delivery. Furthermore, Anne Gilbert, in her report *La petite enfance : porte d'entrée à l'école de langue française-Une vision nationale*[12] adds :

> [*Translation*] "Two types of initiatives prevail with respect to early childhood services: those sponsored by the school system, and those emanating from parents, generally from within their local and provincial federations. While most of the services they establish are set up inside school walls, the connections are sometimes distant, and the exchange of resources is limited."

As far as this type of collaboration is concerned, it should be noted that there have already been several stakeholder meetings. One motion carried by the CSFM at one of its 2001 meetings bears mentioning:

> [*Translation*] "That the CSFM adopt the Early Childhood Education project (Projet d'éducation à la petite enfance); that the report be presented to the Early Childhood Committee (Comité de la petite enfance); and that discussions with the FPCP be on-going with a view to successfully completing this project."

If the community urges the government to respect its francophone minority commitments and its constitutional obligations under s. 23 of the *Charter*, the details of which have been repeatedly explained by the legal authorities, does it not follow that the organizations within this same community should be bound by the same commitments to each other? Beyond mere reflection, discussion, and wishful thinking, perhaps what is needed are bolder commitments and more coordinated efforts. The objective is none other than the well-being and development of children. Furthermore, on page 42 of the report *The Next Act: New Momentum for Canada's Linguistic Duality,* also known as the Dion Plan, indicates that the government wants to "support early childhood development in minority communities".

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[12] Translator's Note: In French only. Suggested English rendering: Early childhood: Gateway to French-language schools – A national vision.

For this to be possible, as mentioned above, a minimum of infrastructures are required. And here there is room for significant improvement. The coordination of provincial departments and Government of Canada funding could help enhance this infrastructure.

In her report *La petite enfance : porte d'entrée à l'école de langue française - Une vision nationale*, Anne Gilbert notes that:

> [*Translation*] "No province has adopted francophone early childhood policies, and no program expressly addresses the development of associated initiatives from francophone communities. No envelope is set aside for them…"

The governments will undoubtedly have to address this issue. The Supreme Court of Canada in *Mahé* held that:

> "…[M]inority schools themselves provide community centres where the promotion and preservation of minority language culture can occur; they provide needed locations where the minority community can meet…"

And the *Manitoba Reference* states:

> "[T]he province must expressly address a number of issues in order to satisfy its constitutional obligations and remain true to the purposive, remedial nature of s. 23. A proper implementation will require the fullest understanding of the needs of the French-language minority."

Surely early childhood qualifies as one of these needs!

This is also where the appropriateness and importance of Kindergarten comes in. A half-time Kindergarten program is better than nothing. However, to adequately meet needs and provide the recovery referred to in several Supreme Court of Canada decisions, a full-time, Department-funded Kindergarten program is needed.

Programme d'accueil classes continue these recovery and francisation efforts. In fact, enrolment in these classes is evidence of the need for such a program and services.

Between 1994 and 2003, the number of pupils in this *programme d'accueil* phase has more than doubled. It has gone from three hundred and thirty (330) pupils, or 7.9% of total enrolment, to seven hundred and sixty (760), or 17%, in 2002-2003. This growth is significant and may at first seem hard to explain. To meet the needs of these pupils, in 2002-2003 the DSFM hired twenty-five (25) staff, for the full-time equivalent of 6.1 teachers, as well as sixty-eight (68) other staff known as teachers' assistants, for a full-time equivalent of 32.95. According to the 2002-2003 DSFM budget, the projected cost of this service was $337,550 - a significant amount. In the light of such statistics, there are those, particularly in the Department, who are concerned about the rapid growth of this program and the associated costs. They feel that:

> "The number of DSFM *programme d'accueil* pupils seems to be increasing far too rapidly".

This growth does seem difficult to understand. However, the texts of certain Supreme Court of Canada rulings better explain the need for programs like the *programme d'accueil*. First, in *Mahé*:

> "Section 23 is one component in Canada's constitutional protection of the official languages. The section is especially important in this regard, however, because of the vital role of education in preserving and encouraging linguistic and cultural vitality."

Then, in the words of Justice Antonio Lamer (*Manitoba Reference*):

> "My reference to cultures is significant: it is based on the fact that any broad guarantee of language rights, especially in the context of education, cannot be separated from a concern for the culture associated with the language."

And finally, in *Arsenault-Cameron*:

> "Substantive equality under s. 23 requires that official language minorities be treated differently, if necessary, according to their particular circumstances and needs, in order to provide a standard of education equivalent to that of the official language majority."

Is the *programme d'accueil* one such service required so that pupils can enjoy an overall "standard of education equivalent to that of the official language majority"? If so, the DSFM is the authority that must deliver this service and is, as a result, accountable to the Department and the community. Improvements to this program's framework could perhaps enhance its delivery.

A certain number of right-holder families chose to have their children educated in English schools due to their degree of English-language assimilation. Some of these families have returned to French-language education, and others continue to do so. Nonetheless, in this context, such rights holders often require remediation to improve their French language skills. This is often the case for children from exogamous families. Given the DSFM's recruitment efforts to bring such rights holders back to French-language education, *programme d'accueil* classes are of the utmost importance. In the August 7, 2002 issue of the monthly publication of the French-language press association (*Association de la presse francophone*), Yves Lusignan writes:

> [*Translation*] "The more intensive the recruitment of French-language schools, the greater the francisation needs, since children who are entitled to a French-language education often lack skills in their first language."

This recovery is even more urgent given the decline in the use of French at home. In fact, recent statistics from the 2001 census reveal the significance of this decline, especially in Western Canada. In 1971, 51% of so-called francophone families spoke French at home, while in 2001, only 34% did so.

4.5.3 Special Needs Education

As in any other school division, a certain number of pupils require special services, according to the severity of their situation. At the DSFM, a substantial number of pupils take advantage of special education programs through support services like resource education, specialized education plans, etc., or Special Needs classes (special programs).

Some children even require alternative programs, nursing assistance and other specialized services. While these cases are much less common, they test the creativity of the system and its staff. This is the rationale for programs and services aimed at Special Needs Levels I, II, and III. These programs greatly tax the system's financial resources and personnel. For example, in 2002-2003, nine hundred and seventy-two (972) pupils, or 22% of the total enrolment, took advantage of speech therapy services, and sixty (60) were in alternative programs.

The table below shows the number of pupils who used these services in 2002-2003.

Table 6: Special Education

1- Pupils		
	• Resource services	972 pupils (22%)
	• With personalized educational plans	545 pupils (12%)
2- Special Programs		
	• Alternative	60 pupils
	• Modular	20 pupils

3- School Health (URIS)

• Health plans	142 pupils
• Nursing staff	

4- Number of Level II/III pupils

• Level II	53 pupils
• Level III	9 pupils

Pupils enrolled in a Level II or III program require special attention and more personalized services, particularly at Level III. To offer these programs, the DSFM has specialized teachers and teachers' assistants who complement their work. DSFM data show that in 2002-2003, a significant number of staff worked with pupils in Special Needs education programs.

Table 7: Personnel

• Special education /Resource teachers	17.45 FTE (33 teachers)
• Guidance counsellors	10.21 FTE (23)
• Teachers' assistants	81.5 FTE

The cost of these services in 2002-2003 was over $ 4,100,000, or 10.3% of the budget for 22% of the school enrolment. It should be specified here that the counsellors whose responsibilities appear in this table work not only with pupils enrolled in Special Needs programs, but with all pupils. As for the *programme d'accueil*, the Special Needs program is generously staffed with teachers and teachers' assistants.

The FRAME report data for the 2002-2003 school year are revealing:

Table 8: Special Needs Education

Division scolaire franco-manitobaine (DSFM)
Province

	DSFM Average per pupil	Provincial average
Administration / Coordination	$66	$40
Gifted Education	Nil	$6
Clinical and Related Services	$117	$135
Special Needs Classes	$7,182	$14,489
Pupils with Special Needs in Regular Classes	$354	$358
Other Resource Services	$329	$321

These data show that the DSFM is within the average of all the divisions. Those who deliver these services indicate that they are of good quality. However, it is essential to ensure that these services are delivered continuously and consistently to the entire system, bearing in mind local needs and the resources available in these locations. A solid framework aimed at coordinating delivery of these services is also required.

Finally, if only **one** factor, such as the pupil-teacher ratio, is considered, and that of the DSFM is deemed too low, without taking other factors into account such as remoteness, small schools, limited enrolment, special education needs, francisation needs, etc., one might conclude that the cost of education and program delivery is too high. However, if **all** of the factors are taken into consideration, the conclusion is not necessarily the same. It is important to recall that in *Glenda Doucet-Boudreau*, the Supreme Court of Canada ruled that:

> "Without a strong and effective program at the secondary level, assimilation of Acadians and other Francophones will occur."

And if a program is to be effective at the secondary level, it must be at the elementary level as well. However, the DSFM must continue to invest the efforts required to ensure the effective governance of school programs. It must ensure the quality, consistency, and training, and provide the resources required to implement them wherever possible. Program development is not enough; teachers and teachers' assistants must be qualified to implement these programs as well. Depending on needs and requirements, program development can be very demanding. The training of DSFM personnel requires a considerable investment. Distances are significant and, if travel to the different locations is required, the time factor also has to be taken into account. Training equipment and supplies are also required.

4.5.4 Textbooks and Curricular Resources

The consultations and documentation examined revealed there was definite consensus in respect of curricular resources, both textbooks and others. Educators and administrators indicate there is a significant lack of resources. This state of affairs was confirmed in a report prepared by Roland Pantel and published in March 2003. The author draws a comparison between the teaching resources available for seventeen subject areas in four grade levels. It does not take long to see that where there is not a shortage, the availability of resources is much more limited in French than in English. Furthermore, the cost of French-language materials is higher. Mr. Pantel indicates that for half of the resources, particularly in Mathematics and Science, what does exist is a translation of the English originals. It is important to note that in general, publishers hesitate to start up production of French-language textbooks or curricular materials given the associated costs and the limited market for these products outside Quebec.

The author also demonstrates that the costs for these textbooks and materials are in most cases higher than what is available for English-language instruction. Furthermore, they are more limited in number. The four tables that follow clearly demonstrate this reality.

Table 9: Grade 3

Subject Area	Number of Documents			Average Cost		
	English	French	Difference	English	French	Difference
Français [French] (1)	273	104	62%	$32.87	$39.98	20%
Mathématiques [Mathematics] (2)	109	51	53%	$34.90	$44.00	26%
Sciences de la nature [Science] (3)	49	62	27%	$25.02	$25.39	1%
Sciences humaines [Social Studies]	43	16	63	$16.95	$26.72	58%

Table 10: Grade 6

Subject Area	Number of Documents			Average Cost		
	English	French	Difference	English	French	Difference
Français [French] (1)	325	73	78%	$30.44	$42.89	41%
Mathématiques [Mathematics] (2)	107	50	53%	$46.09	$46.38	1%
Sciences de la nature [Science] (3)	38	53	39%	$23.88	$28.89	21%
Sciences humaines [Social Studies]	43	16	63	$16.95	$26.72	58%

Table 11: Senior I

Subject Area	Number of Documents			Average Cost		
	English	French	Difference	English	French	Difference
Français [French] (1)	309	110	64%	$28.68	$29.62	3%
Mathématiques [Mathematics] (2)	72	24	67%	$42.52	$45.04	6%
Sciences de la nature [Science] (3)	109	46	58%	$67.83	$71.96	6%
Sciences humaines [Social Studies]	95	42	56%	$25.21	$35.13	38%

Table 12: Senior 4

Subject Area	Number of Documents			Average Cost		
	English	French	Difference	English	French	Difference
Français [French] (1)	262	169	36%	$26.00	$32.64	26%
Mathématiques [Mathematics] (2)	106	21	80%	$45.88	$54.40	19%
Biologie [Biology] (3)	38	18	53%	$53.94	$42.09	22%
Chimie [Chemistry] (3)	31	37	19%	$63.60	$45.47	29 %
Physique [Physics] (3)	24	24	0%	$59.01	$47.84	19%

The efforts of the Department of Education to help mitigate this shortage should also be acknowledged. In fact, additional resources are made available to schools and teachers through the *Direction des ressources éducatives françaises* [the French-language Library and Materials Production Branch – DREF], a branch of the Department of Education. One DREF employee told me that the branch's materials are constantly in circulation.

Findings:

- the Department of Education, Citizenship and Youth, through the Bureau de l'éducation française and in collaboration with the DSFM, is a flagship for the development and implementation of French-language programs;
- the Western and Northern Canadian Protocol, in which Manitoba plays a leadership role through the Bureau de l'éducation française, brings an interesting dimension to programs;
- a significant number of DSFM pupils - more than 20% of the Division's total enrolment - are in a special education program at one of three levels;
- the DREF is a valuable source of documentation and curricular material;

- the additional cost of program and service delivery in small, remote communities with limited community resources is very high;
- Early Childhood Education and *programmes d'accueil* are crucial for passing on language and culture and for renewed exposure to the French language;
- there is a lack of infrastructures in many areas;
- some programs and services require specialized equipment, which is very costly;
- in some areas, school space prohibits offering a full array of programs, and delivery alternatives require additional resources.

4.6 Recommendations

11. That Manitoba Education, Citizenship and Youth continue to ensure and encourage DSFM staff participation in program development, review, and implementation.

12. That Manitoba Education, Citizenship and Youth ensure that the elementary and secondary programming determined by the province reflect the francophone culture and reality in Manitoba to a greater extent.

13. That the DSFM examine the eligibility criteria for Special Needs programs and review the admissions process for such programs accordingly.

14. That departments such as Manitoba Education, Child and Family Services, and Health, with the support of the Government of Canada, coordinate their efforts to ensure that the Early Childhood program has the required resources to meet needs.

15. That representatives from community organizations, Healthy Child programs, the Early Childhood Coalition [Coalition de la petite enfance], and the DSFM coordinate their efforts to avoid duplication of early childhood programs and services, and to ensure optimum delivery.

16. That the Manitoba Education, Citizenship and Youth funding formula for curricular materials more accurately reflect the scarcity and cost of French-language textbooks and curricular materials.

17. That the mandate of the Western and Northern Canadian Protocol for Collaboration in Basic Education be examined with a view to possibly include the responsibility of preparing instructional material and even basic textbooks for the programming detailed in this Protocol.

18. That the DSFM review on an annual and ongoing basis the nature and extent of support provided by teachers' assistants in order to improve program delivery.

4.7 School Facilities

As a general rule, the DSFM has the necessary facilities to provide elementary programming and basic secondary education. In a few more privileged areas, school facilities have the space required to provide a more comprehensive range of programs.

Further to my numerous consultations and my review of the related documentation, I prefer to address the capital support question in a chapter devoted to this issue alone.

The DSFM therefore provides elementary and secondary programs that meet the needs of the pupils who attend these schools using the means and resources available. Given school building limitations and the remoteness of some communities, the DSFM must seek creative means to ensure access to adequate programming. Through agreements with other school divisions, secondment, distance education, and School-Initiated Courses (SICs) and Student-Initiated Projects (SICs) registered by the Department, the DSFM achieves a program offering which, on the whole, meets pupils' needs.

For example, the numbers of pupils who took distance courses were: in 1999-2000, thirty-five (35); in 2000-2001, fifty-seven (57); in 2001-2002, fifty-three (53); and in 2002-2003, fifty-six (56). As indicated earlier in this report, access to these courses is difficult in some locations.

Through the *programme d'accueil*, the DSFM can recover rights holders who would otherwise be in English-language divisions. It therefore successfully fulfils its role in respect of programming and related service delivery in accordance with its mandate under Manitoba legislation.

The case law detailed in Part II of this report is very clear in respect of the responsibilities attributed to jurisdictions charged with French-language education governance. In the *Arsenault-Cameron* and *Mahé* cases, the Supreme Court of Canada was unambiguous (see Part III) about the importance and role of governance.

4.8 Cost-Effectiveness of Programming

Indicator:

- quality cost-effective programs;
- satisfactory investment of DSFM funds.

Several statements in the three previous sections touch on factors with a direct impact on the DSFM's program and related service offerings. The **Capital Support** addressed in the following section also has a significant bearing on the system's program and service delivery capacity and the associated costs.

The section on **Program Development, Review and Implementation** demonstrates that DSFM programs are consistent with Department of Education directives. It also establishes that the programs meet the needs of the target client groups. However, it recognizes that, in some cases, program and service delivery is complicated by certain factors such as remoteness, lack of adequate space and facilities, etc.

Currently, French as a First Language education is offered in twenty-two (22) DSFM schools. While DSFM programs and programming may be the same division wide, the capacity to implement them is not. The personnel seem to do an excellent job, often with limited resources, which does not necessarily diminish program quality. However, not all of the factors that foster optimum program implementation are always present. There may be a lack of adequate facilities or space, equipment, learning resources, textbooks, etc.

Moreover, the Supreme Court of Canada, in *Arsenault-Cameron*, stated:

> "A purposive interpretation of s. 23 rights is based on the true purpose of redressing past injustices and providing the official language minority with equal access to high quality education in its own language, in circumstances where community development will be enhanced."

If there is no question as to the quality of programming, what about its **cost-effectiveness?**

The DSFM, as shown in its budgets and financial statements, invests a large part of its resources (80%) in instruction, including salaries, program development, review, and implementation, and the delivery of related services. This also includes items such as school administration, regular instruction, Special Needs education, Technology Education, instructional and pupil support services, community services and education. For the fiscal year ending June 2003, this represents over $30 million. This percentage (80%) is similar or somewhat higher compared to the costs of other school divisions and even the school boards of other provinces. Two other English-language school divisions, one with comparable school enrolment to that of the DSFM, and the other with slightly higher enrolment, allocate approximately the same percentage of their revenue to programming. Three school boards from other provinces with enrolment that is somewhat higher than that of the DSFM do the same. This is not surprising since schools exist with the purpose of educating the pupils who attend them, regardless of their age.

As stated on several occasions, when the Department develops its programming policy, it identifies outcome objectives to be achieved and suggestions of teaching strategies and assessement. The DSFM must then ensure the implementation. Thus, the DSFM, on behalf of the province from which it received its mandate, must provide a quality of education equal to that of the English-speaking majority. This is what the Supreme Court of Canada mandated in the *Manitoba Reference*:

> "The province has the obligation to offer the educational services, make them known and accessible to minority language parents so as to provide a quality of education on a basis which, in principle, is one of equality with the majority."

With the resources available, in the context of urban and rural location, where the capacity of certain buildings to provide comprehensive programs is more limited and where the number of pupils of often very limited, the DSFM adequately fulfils its responsibilities. The team of nine coordinators, representing seven FTEs, provides significant support to the schools. Their tasks are multiple and varied: program implementation, clinician services, cultural activities, literacy, early childhood, evaluation, etc. Those consulted felt that the work done by the coordinators is exemplary, very useful and appropriate. However an analysis of their responsibilities could result in a more effective organization of duties. None of the parents I met with challenged the quality of services. On the contrary, they praised them: "The resources are used appropriately to provide quality education."

A look at the report of results obtained by DSFM pupils in the 2002 Provincial Evaluation in French, English, and Mathematics in Grade 6, S1 and S4 supports the good performance level of pupils in these grades.

Table 13: Grade 6

Subject Area	DSFM Average	Provincial Average
Français [French]	76.14	FL/FL2[13] 75.20
Anglais [English]	77.8	____

Table 14: Senior 1

Subject Area	DSFM Average	Provincial Average
Mathématiques [Mathematics]	67.5	60.7
Français [French]	61.5	FL1/FL2 61.5

Table 15: Senior 4

Subject Area	DSFM Average	Provincial Average
Mathématiques pré-calcul [Pre-Calculus Mathematics]	61.4	59.8
Mathématiques du consommateur [Consumer Mathematics]	65.3	64.2

While there is no direct correlation between these results and the cost/benefit level, it still can be said that the performance of DSFM pupils is as good, if not better, than the provincial average, and that this reflects positively on the quality of DSFM programs. Clearly, these results would not be possible without qualified teachers and pupils who master curriculum content.

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[13] FL1/FL2 = French as a First Language / French as a Second Language

The DSFM is clearly below the provincial average in terms of the pupil-teacher ratio. For example, the 2002-2003 *FRAME* report shows a pupil-teacher ratio of 16 pupils per teacher, while the provincial average is 18.3. For educators, the DSFM had a ratio of 12.6, while the provincial average was 14.9. DSFM administrators indicate there are several possible explanations for these figures, including small schools, remote communities, etc.

Whatever the causes, the statistics in the table below speak for themselves.

Table 16: Personnel - 2002-2003 year

School	Elem. Enrol.	Senior 1 Enrol.	Admin. FTE	Teach. FTE *	Paraprof. FTE **	Total FTE	Pupil/ Teach. ***	Pupil/ Paraprof.	Pupil/ teach.+ paraprof.	Pupil./Admin.+ teachers + paraprof.
Western Region										
St-Lazare	109	36	.85	11.55	7.86	20.26	12.5	18.4	7.45	7.15
St-Léon	13		.25	2.58	1.56	4.39	5	8.3	3.14	2.96
A. Le-moine	65	21	65	8.57	9.38	18.6	11	10	5.23	5.05
N.-D. de Lourdes	122		.65	9.37	7.38	17.4	13	16.5	7.28	7.01
Jour de Plaine	14	12	.45	4.67	2.06	7.18	5,6	10	3.86	3.62
G. Rosset	39	12	.45	4,78	2.59	7.82	10.6	19.7	6.91	6.52
N.-Dame	37	75	.85	8.06	5.36	14.3	13.9	20.9	8.4	7.83
Southern Region										
Ste-Agathe	81	8	.65	7	5.06	12.71	12.07	17.5	7.38	6.89
Réal Bérard	153	38	1.25	14.05	8.63	23.93	13.5	22.1	8.42	7.98
St-Jean-Baptiste	106	69	1.25	13.73	14.31	29.3	13.6	13.1	6.67	6.38
Urban Region										
Taché	298		1.45	19.07	12.65	33.17	15.6	23.5	9.39	8.98
Précieux Sang	332		1.45	20.48	14.22	36.15	16.2	23.3	9.56	9.18
Lacerte	341		1.65	24.43	13.46	39.54	13.9	25.3	8.99	8.62
Christine Lespé-rance	436		1.85	26.46	18.26	46.57	16.5	23.9	9.74	9.36
Louis Riel		689	2.85	43.17	18.09	64,11	16	38	11.2	10.74
Roméo Dallaire	44		.45	3.89	2.33	6.67	11.3	18.8	7.07	6.59

School	Elem. Enrol.	Senior 1 Enrol.	Admin. FTE	Teach. FTE *	Paraprof. FTE **	Total FTE	Pupil/ Teach. ***	Pupil/ Paraprof.	Pupil/ teach.+ paraprof.	Pupil./Admin.+ teachers + paraprof.
Eastern Region										
St-Joachim	199	75	1.45	19.45	15.75	36.65	14.4	17.8	7.98	7.66
Pointe des Chênes	215	85	1.65	22.28	17.38	29.93	14.3	18.4	8.04	10.67
Lagimodière	170		.85	12.5	6.32	19.67	13.6	26.9	9.03	8.64
Gabrielle Roy	134	193	1.85	21.42	12.33	35.6	15.3	26.2	9.68	9.18
Noël Richot	160		.85	12.24	6.3	19.39	13	25.3	8.62	8.25
St-Georges	43		.45	4.8	4.66	9.91	9,3	9.6	4.75	4.54
Total	**3,111**	**1,313**	**24.10**	**315.68**	**205.94**	**511.12**	**14.9**	**21.6**	**8.5**	**8.1**

* includes teachers in: regular program, alternative program, specialized programs, *programme d'accueil*, practical arts, New Canadians.

** includes secretarial, library, teachers' assistants, supervisors, New Canadians.

*** includes all administration, teachers, teachers' assistants.

The pupil-teacher ratio, as indicated in this table, is evidence of a generous allocation. Of course, it is difficult to pinpoint one factor that can be universally applied to the entire DSFM territory for allocating personnel in each of the schools. That being said, this pupil-teacher ratio (including teachers' assistants) is very low across the system. It takes a considerable amount of funds to implement such an allocation. This type of spending needs to be reviewed. Are so many teachers' assistants necessary? These data weaken the underfunding argument.

Findings:

- there is room for improvement with respect to organization of coordinator duties;
- there is a considerable array of service offerings for Special Needs pupils;
- service delivery to Special Needs pupils is constant and consistent system-wide, taking into account the various community locations and their capacity to meet these needs;
- DSFM investments in program and service delivery are quite considerable;
- the pupil-teacher, pupil-paraprofessional ratios are generous, and the resulting costs are

consistent.

4.9 Recommendations

19. That the DSFM review its teacher and paraprofessional allocation criteria to determine their appropriateness and assess the pupil-teacher ratio (including teachers' assistants).

20. That the DSFM re-examine its Special Needs programming and service delivery to ensure optimum cost/benefit levels.

21. That the duties and responsibilities of DSFM central office coordinators be examined with a view to consolidating and improving their impact.

PART 5 – CAPITAL SUPPORT

Indicators:

- school buildings suited to offering the necessary programs;
- school buildings and the needs of the Franco-Manitoban community;
- appropriateness of provincial funding.

Without school buildings that are at least adequate, it would be difficult for the DSFM to fulfil its responsibilities. Furthermore, the Supreme Court of Canada was very clear about the school facilities issue:

> "As a space must have defined limits that make it susceptible to control by the minority language education group, an entitlement to facilities that are in a distinct physical setting would seem to follow." (in *Manitoba Reference)*

> "[I]t seems reasonable to infer that some distinctiveness in the physical setting is required to successfully fulfil this role." (in *Manitoba Reference)*

Certain other cases clarify this further by considering the number of rights holders (*Manitoba Reference, Arsenault-Cameron, Mahé, Glenda Doucet-Boudreau*). In *Arsenault-Cameron*, the Court even went as far as to address the distance issue thus:

> ".... It is implicit in the s.23 right that a facility for minority language instruction be at least as accessible as those of the majority language group..."

When the DSFM was established, a certain number of school facilities were transferred to it. Sections 21.8 to 21.30 of Chapter 33 of *The Public Schools Amendment Act* (Francophone Schools Governance Act) detail the transfer modalities. It should be noted that the transfer of buildings and their contents was without compensation, but the DSFM had to assume the existing contractual liabilities and obligations of the provider school boards that related to the property [Chapter 33, s. 21.22(3)]. We will come back to these important aspects later in the report.

Eighteen (18) school buildings were transferred and the DSFM had to rent facilities in three communities. In one such case, the rented building was replaced (École Lavallée) with a new building - École Christine Lespérance – which was inaugurated for the return to classes in the fall of 2002. In addition, the two Écoles St-Jean-Baptiste were amalgamated into a single facility, and two other schools, Gilbert Rosset and Roméo Dallaire, were added to replace the rented space. Consequently, in September 2003, the DSFM owned nineteen (19) school buildings and was renting three (3).

The DSFM was to receive the transferred school buildings with their contents and the existing contractual liabilities and obligations [Chapter 33, section 21.22 (3)]. In some cases, not all of these transfer conditions were respected: some of the buildings were missing school or maintenance equipment and furnishings, which had to be replaced at considerable cost.

In meeting their capital needs, school divisions including the DSFM have to prepare a relatively long-term (five-year) plan and present it to the Department of Education to obtain the necessary funding. This planning should include the construction of new schools, additions, maintenance (roofing, furnace, etc.), renovations, as well as temporary units.

To fulfil this task, the DSFM has over the years established a systematic process that includes formal studies, consultations and analyses by administrators so that presentations to the Department are consistent and justifiable. For example, in April 2002, Aimé H. Delaquis tabled a comprehensive report in which he summarizes the results of a study of each of the schools with DSFM program offerings. His findings, based on departmental criteria, include:

Space per pupil:
100 to 125 square feet = reasonable
150 to 200 square feet = generous
200 and over square feet = very generous

School grounds:
Elementary and Middle schools: minimum of 4 acres
Secondary: over 4 acres

Number of pupils per regular class: 25 pupils

Room size:

Regular classroom:	750 to 860 square feet
Kindergarten:	1,000 square feet
Laboratory:	1,000 square feet
Library:	5 square feet per pupil (1,100 square feet)
Computer room:	750 square feet
Guidance/counselling:	500 square feet
Art room:	1,300 square feet (Grade 7 to S4)
Music room:	1,300 square feet (Grade 7 to S4)
Multi-purpose room:	4 square feet per pupil (1,000 square feet)
Canteen (kitchen):	200 square feet
Health and hygiene room:	200 square feet
Grooming room:	180 square feet
Resting room: (healthcare professional)	60 square feet

Teaching space: should be 60% of the school's total area.

The following is a summary of a few important observations by this report's author:

Space: 8 schools in the "very generous" category
5 schools in the "generous" category
9 schools in the "reasonable" category

Thirteen (13) schools have space equivalent to 150 square feet per pupil.

Number of pupils per class:

- less than 6 pupils -	2 schools
- 7 to 10 pupils -	2 schools
- 11 to 15 pupils -	2 schools
- 16 to 20 pupils -	9 schools
- 21 to 25 pupils -	7 schools

All of the schools are under the threshold of 25 pupils per class.

Weaknesses noted:

- in secondary schools: lack of adequate laboratories, shops, Art rooms, gymnasiums and storage, and in one or two cases, school yards;
- in elementary schools: insufficient or lack of multi-purpose rooms (gymnasium or other), inadequate space for Kindergarten rooms, health rooms, washrooms, libraries, school yards …

The land transfer issue at École Taché requires immediate attention. The current situation is not safe and it is essential that every effort be made to solve the problem. During my most recent consultations, I was told that the expropriation procedure had been initiated to rectify the situation.

The lack of adequately equipped laboratories is a particular cause for concern. Some of the laboratories are very basic. If the OECD's PISA study is true, as reported in *The Next Act: New Momentum for Canada's Linguistic Duality*, francophone rights holders have definitely not achieved equal opportunity in this educational area. We read on page 19 of this report that:

> "For Science, the Anglophone sector has a significant lead in Nova Scotia, New Brunswick, Ontario and Manitoba."

Clearly, comprehensive programs cannot be offered in many schools due to the lack of specialized space and low numbers. It then becomes necessary to use distance or correspondence courses, rent space in a coterminous English-language school division, or share facilities in an accessible DSFM school.

There is a lack of adequately outfitted spaces for distance education in schools. Often, technological hook-ups are not effective or even possible.

Since the inception of the DSFM, the Department has invested substantial amounts in DSFM capital projects, or more than $28 million from 1993 to 2003. Most of this funding ($15.5 million) has gone into renovations, additions, and new construction. During the first four years of the DSFM's existence, from 1993 to 1997, $1,062,238 of the $3,350,650 (31%) were spent on refurbishing, and the rest was used for renovations, additions and space procurement.

In the ten years since the DSFM's inception, the Department has provided more than $28 million for capital projects, or 7.2% of the $299 million of provincial funding. This seems quite generous, considering the fact that in September 2003, DSFM enrolment represented 2.4% of provincial enrolment.

The response to school building needs for French-language education in certain communities is complicated by a variety of factors such as remoteness, limited enrolment, and a divided community. More than one DSFM community fits this description. Division within the community can have a considerably negative impact, especially if numbers are low. Alternatives are limited in the case of remoteness and low numbers. In some cases, the CSFM has unsuccessfully tried to negotiate an agreement with the English-speaking school divisions to procure space. This is exactly what happened in Laurier, for example, with the École Jour de Plaine. The CSFM recorded a breakdown in negotiations at its February 23, 2000 meeting, and from that point forward took steps to build a *français* school.

One again, the following statement in the Supreme Court of Canada ruling in the *Manitoba Reference* bears repeating:

> "[T]he remedial nature of s. 23 suggests that pedagogical considerations will have more weight than financial requirements in determining whether numbers warrant."

Several judgements mentioned in this report stress the importance of the school as an agent for language transmission and promotion of culture. Schools therefore take on a cultural facilitator role, specified in *Mahé*:

> "... [M]inority schools themselves provide community centres where the promotion and preservation of minority language culture can occur; they provide needed locations where the minority community can meet and facilities which they can use to express their culture."

In this sense, schools become cultural and community centres and require the appropriate space for such activities. They could and should be places where personal training and development are provided in the minority language. This process begins at a young age and is on-going. Nevertheless, the priority role of schools continues to be the education and instruction of pupils.

Early childhood must also be addressed, and school buildings need to accommodate such programs. Comments in this respect were made in the **Programs** section. The provincial francophone coalition for early childhood centres (*Coalition provinciale francophone des Centres de la petite enfance*) must work and focus its efforts in this direction. Community collaboration and interests must be at the heart of its deliberations and decisions. It is important to recall the interest shown by the federal government in early childhood services. This component could be one of Canadian Heritage's priorities in forthcoming federal-provincial/territorial agreements. Should this become a reality, it is even more important that the minority official language communities show solidarity in this issue. Moreover, as indicated in the **Programs** section, coordinated efforts between the various provincial departments are required so that needs are met in compliance with Court rulings.

A consultation of capital funding requests submitted to the Department of Education by the DSFM reveals no lack of requirements. Several schools provide secondary programs in buildings that often do not meet needs. These programs are even more limited and schools must therefore use distance education or correspondence courses. And perhaps here I am venturing out onto shaky ground. If elementary schools remained in their communities, but at the senior level became regional schools with the services, required facilities and more comprehensive programs, would this not allow for pupils' needs to be more adequately met? They are, after all, the system's primary *raison d'être*. Such a decision is up to the community and CSFM members. It is a challenging one, but major decisions are never easy. Consider the following regions, for example:

Seine River:	Gabrielle Roy Pointe des Chênes Lagimodière St-Joachim
Red River:	Ste-Agathe Noël-Richot Réal-Bérard St-Jean-Baptiste
Mountain:	Collège Notre-Dame Gilbert-Rosset Notre-Dame-de-Lourdes St-Léon

A solution will only be reached through a deliberate and balanced process that involves a community awareness campaign. This has been done in other provinces, in some cases years ago.

I cannot conclude this part of the report without mentioning the fact that the DSFM central office found its current location in Lorette due to the generosity of a religious congregation and the creativity of school administrators and trustees, at a very low cost to taxpayers..

At any rate, it is becoming increasingly necessary to re-examine the feasibility of building a school for some thirty pupils when the space that could accommodate them exists in the community. This is one of the numerous dilemmas of French as a First Language education delivery by divisions that are unable to broker an agreement that is mutually acceptable to guarantee the well-being of the community's children.

Findings:

- the province has provided the DSFM with a considerable amount of funding for capital projects over the past ten years;
- during its first four years of existence, more than 30% of the DSFM's capital funds went into building maintenance;
- in some cases, the transfer of these buildings has failed to completely comply with the provisions of *The Public School Act*;
- in cases of isolation and limited numbers, it can be costly to meet capital needs;
- division in the francophone community, especially in obvious instances of isolation, further complicates delivery;
- coordinated efforts and committed collaboration in the francophone community enhances early childhood service delivery;
- greater cooperation between the provincial departments involved (e.g., Manitoba Education, Health, Child and Family Services, Transportation) would foster more effective early childhood service delivery and would confirm the role of schools as cultural and community centres as set out in certain Court rulings;
- the entire Franco-Manitoban community, and certain communities in particular, stands to benefit from consolidation of secondary programs and related services.

5.1 Recommendations

22. That Manitoba Education, Citizenship and Youth, in collaboration with other related departments, the Franco-Manitoban School Board (CSFM), and private companies work on finding a solution to the École Taché land transfer.

23. That the DSFM embark on a process to identify regional secondary schools where more comprehensive programming could be made possible by more adequate facilities.

24. That Manitoba Education make every effort to ensure access to facilities that are more suited to comprehensive programming.

PART 6 - FUNDING

Indicators:

- the DSFM's access to federal, provincial, municipal and other sources of revenue;
- consistency between DSFM needs and the provincial funding formula;
- conditions for longer-term system sustainability;
- provincial capacity to ensure DSFM viability;
- availability of federal funds through the Canada-Manitoba Agreement;
- educational funding in other provinces;
- level of support for education in Manitoba and other provinces.

6.1 Analysis of Educational Funding in Manitoba and Impact on the DSFM

6.1.1 Introduction

A review of school system funding entails consideration of its purpose, operations, program and service delivery, governance structure, different sources of funding, and its ensuing ability to fulfil its mission.

A few statements from existing case law are in order to begin with:

> "It thus represents a linchpin in this nation's commitment to the values of bilingualism and biculturalism." (in *Mahé*)
>
> "The province has the obligation to offer the educational services, make them known and accessible to minority language parents so as to provide a quality of education on a basis which, in principle, is one of equality with the majority." (in *Manitoba Reference)*
>
> "Substantive equality under s. 23 requires that official language minorities be treated differently, if necessary, according to their particular circumstances and needs, in order to provide a standard of education equivalent to that of the official language majority." (in *Arsenault-Cameron)*
>
> "It should be stressed that the funds allocated for the minority language schools must be at least equivalent on a per student basis to the funds allocated to the majority schools. Special circumstances may warrant an allocation for minority language schools that exceeds the per capita allocation for majority schools." (in *Mahé)*

I think the message from the legal authorities in their rulings is clear.

6.1.2 Background

A review of DSFM boundaries reveals just how vast the territory is: from Saint-Lazare in the west, to Laurier in the north, to Saint-Georges near Lake Winnipeg, then to Saint-Laurent on Lake Manitoba and further west to Brandon up to Portage la Prairie, Mountain, Red River, Seine River, Transcona, Morris MacDonald, etc. and on to Winnipeg. The reality is this: small concentration of rights holders, a francophone community divided between two school divisions, a major urban centre, a francophone community spread out over a large territory, but an active community that is aware of its *raison d'être* and convinced of the importance of its language and culture.

During the consultation phase, the advantages of a francophone school division were already being praised. Among other things, pages 7 and 8 of the consultation document used to sound out the community at the time of the establishment of the DSFM indicated that:

[*Translation*]

- it provides parents with a means for preserving and enhancing the quality of their children's education;
- it will foster the effective use of financial and human resources;
- it will provide an education system that reflects the values of the francophone community and meets its needs;
- it will give parents the opportunity to manage and control the schools attended by their children.

It is likely in this context and in the context of the existing case law that Paul Sherwood writes in a document he is currently preparing on the subject of DSFM cultural projects:

> [*Translation*] "Indeed, this highlights the fact that a Franco-Manitoban school is not a mere translation of an Anglo-Manitoban one; rather is must be an institution that seeks to promote and guarantee the successful entrenchment of the identity of its community."

It is therefore necessary that the school division have the resources to be able to satisfy its mandate. Again, the consultation document sets out the basic principles of DSFM funding pursuant to the legislation and regulations that govern this funding:

> [*Translation*] "The DSFM will be funded in the same way as the other divisions: from government grants under *The Public Schools Act* and from school tax revenues. However, unlike the other school divisions, the francophone division will not be vested with the power to collect property taxes."

To obtain federal funds through the Agreement for Minority Language Education and Second-Language Instruction, the province must submit an action plan. The introduction of this action plan states:

> [*Translation*] "French as a First Language and French as a Second Language education programs give rise to additional costs for Manitoba ... education program support…costs associated with curriculum implementation and the operation of a French-language educational resource centre… Delivery of French as a First Language and French as a Second Language education programs also involves differential costs, which is the difference between the per pupil cost of French as a First Language and French as a Second Language education programs and that of comparable instruction in the majority language. This differential cost includes, without being limited to, the costs associated with curricular material, cultural programs, pupil transportation and small classes."

And so the debate begins. Since the inception of the CSFM in 1993-1994, its trustees, with support from the Franco-Manitoban community, have voiced their concerns that the DSFM is under funded. On several occasions, the CSFM has commissioned studies to support its claims. In March 2001, Normand Boisvert published his report *Vers l'égalité des résultats* in which he reviews several issues: community integration, additional funding, remedial measures for greater equality, exclusivity, accessibility, transportation, capital support, etc., and concludes that some financial needs still have to be met. He writes:

> [*Translation*] "It is therefore the duty of the Government of Manitoba to provide the DSFM with the tools it requires to meet its objectives."

Isn't Manitoba already fulfilling this mandate?

Then, in October 2001, the DSFM asked Paul Rouleau from the Heenan Blaikie law offices to analyze the Supreme Court decision in *Arsenault-Cameron v. Prince Edward Island* and to comment on the scope of the ruling with respect to DSFM funding. After identifying what he perceives to be the deficiencies in the funding process of French-Language education in Manitoba, he concludes:

> [*Translation*] "The province should conduct a comprehensive review of funding formulas as they apply to a minority language board..."

We continue our review with a look at the sources of French-Language education funding.

6.1.3 Sources of Funding

The DSFM currently has four sources of funding:

- Province of Manitoba;
- federal government;
- municipal government;
- other sources.

The following table details the value of funds obtained from each of these sources since the inception of the DSFM and their per-pupil allocation. The table also shows the funds received during these years for capital projects.

Table 17: Sources of Revenue

Sources	1994-1995 $	1995-1996 $	1996-1997 $	1997-1998 $	1998-1999 $	1999-2000 $	2000-2001 $	2001-2002 $	2002-2003 $	2003-2004 $	Total $
Manitoba	15,830,334	16,825,854	17,501,666	17,887,845	19,054,122	19,901,286	21 049 103	22,223,092	22,929,016	23,951,213	197,153,351
Canada- **Special Agreement**	2,793,400	4,651,640	3,700,000	2,300,000	1,554,960	3,600,000	3 300 000	3,000,000	2,700,000	2,400,000	3, 000,000
Canada- **Regular Agreement**	631,478	656,687	547,196	546,498	546,265	555,385	549 914	599,963	600,859	600,500	5,834,745
Municipality	5,795,454	6,205,296	6,604,566	7,638,495	8,283,823	9,012,710	9 628 937	10,238,718	10,522,308	11,785,919	85,716,226
Other Sources	963,884	811,725	859,823	534,637	568,608	631,905	484 838	618,804	380,842	465,000	6,320,066
Total	20,014,550	29,151,202	29,211,251	28,907,475	30,007,788	33,701,286	35 012 792	36,680,577	37,133,025	39,202,632	321,024,568
Per-Pupil Revenue	6,361	6,976	6,888	6,817	6,976	7,760	8 162	8,551	8,723	9,176	
Capital Funds	380,313	1,961,696	661,699	864,019	3,062,305	2,378,952	4 851 131	5,851,291	786,439	pending	20,797,845

Findings:

- there has been an increase in provincial funding;
- federal annual-base funding varies a great deal;
- municipal funding is continuously increasing;
- the annual sum of funds received from the other sources varies a great deal;
- the total annual revenue divided by the number of pupils (FTE) yields a very generous per-capita average that is above the provincial average.
- over a ten-year period, the DSFM received substantial funding for its capital projects;
- many stakeholders feel that the DSFM is underfunded;
- some feel that provincial funding of the DSFM is insufficient.

6.1.4 Recommendation

25. That Manitoba, either directly or in its negotiations with the Government of Canada, do everything possible to ensure the long-term viability of the DSFM.

6.1.5 Federal Funding

First, it should be clarified that federal funds are made possible through agreements signed by Canadian Heritage with the provinces and territories on behalf of the Government of Canada. There are two types of agreements: **Regular Agreements** for French as a First Language and French as a Second Language education at the elementary, secondary and post-secondary levels; and **Special Agreements**, exclusively for French as a First Language education. Table 17 shows all DSFM revenue, including that from the 1994-1999 and 2000-2004 Canada-Manitoba Agreements. I want to take a somewhat longer look at the 2000-2004 Regular Agreement, which was also an interesting source of funding for Manitoba.

The importance and appropriateness of the federal government's support through the agreements is undeniable. The short-, medium-, and long-term viability of the DSFM depends on this support. The following statistics from the *Bureau de l'éducation française* illustrate the importance of the funds obtained by the DSFM.

Given the focus of this report, it is fitting to first determine what portion of funds obtained through the Canada-Manitoba agreements was allocated to elementary and secondary education, and what portion went to post-secondary education. The following table provides the answers.

Table 18: Funds Allocated to Elementary and Secondary Education

Year	K to S4 ($(	Post-Secondary	Total ($)
2000-2001 Regular Agreement	4,929,400	1,304,600	**6,234,000**
Special Measures	3,300,000	nil	**3,300,000**
Additional Funds	nil	2,060,000	**2,060,000**
Total	8,229,400	3,364,600	**11,594,000**
2001-2002 Regular Agreement	4,929,200	1,304,800	**6,234,000**
Special Measures	3,000,000	nil	**3,000,000**
Additional Funds	nil	2,385,000	**2,385,000**
Total	7,929,200	3,689,800	**11,619,000**
2002-2003 Regular Agreement	5,004,100	1,229,900	**6,234,000**
Special Measures	2,700,000	nil	**2,700,000**
Additional Funds	599,200	1,589,000	**2,188,200**
Total	8,303,300	2,818,900	**11,122,200**
2003-2004 Regular Agreement	4,983,364	1,250,636	**6,234,000**
Special Measures	2,400,000	nil	**2,400,000**
Additional Funds	1,356,000	529,000	**1,885,000**
Total	8,739,364	1 779 636	**10,519,000**
Grand total	**33,201,264**	**11,652,936**	**44,854,200**

Next, it would be useful to know what share of the funds earmarked for elementary and secondary education went to the DSFM for French as a First Language education, again, according to the information obtained from the *Bureau de l'éducation français*.

Table 19: Federal Funds Allocated to FL1-FL2

Year	FL1 ($)	FL2 ($)	Total ($)
2000-2001 Regular Agreement	1,599,300 (32.4%)	3,330,100 (67.6%)	**4,929,400**
Special Measures	3,300,000 (100%)	nil	**3,300,000**
Total	**4,899,300 (59.5%)**	**3,330,100 (40%)**	**8,229,400**
2001-2002 Regular Agreement	1,499,467 (30.4%)	3,429,733 (69.6%)	**4,929,200**
Special Measures	3,000,000	nil	**3,000,000**
Total	**4,499,467 (56.7%)**	**3,429,733 (43.3%)**	**7,929,200**
2002-2003 Regular Agreement	1,507,400 (30.1%)	3,496,700 (69.9%)	**5,004,100**
Special Measures	2 700 000	nil	**2,700,000**
Additional Funds	599 200	nil	**599,200**
Total	**4,806,600 (57.8%)**	**3,496,700 (42.2%)**	**8,303,300**
2003-2004 Regular Agreement	1,559,189 (31.3%)	3,424,175 (68.7%)	**4,983,364**
Special Measures	2,400,000	nil	**2,400,000**
Additional Funds	1,356,000	nil	**1,356,000**
Total	**5,315,189**	**3,424,175**	**8,739,364**
Grand Total	**19,520,556 (60.8%)**	**13,680,708 (39.2%)**	**33,201,264**

It should be noted that not all of these funds are paid out to the school divisions. For example, the dollars earmarked for FL1 ($1,599,300) and for FL2 ($3,330,100) in 2000-2001 included the share given to the school division as well as the share that funds departmental program development, for example.

The DSFM has received more than 80% of all these components of federal funding for 2000 to 2004.

The funds raised through Canada-Manitoba Agreements (Special Measures), Canada-CMEC-Manitoba (Regular Agreements) and additional funds are of capital importance for the delivery of French as a First Language programs and services, and for system governance and administration.

The federal grants also help to financially support non-government organizations which provide valuable services that complement the French-language education offering, such as museums, theatre, festivals, etc. These NGOs present cultural activities enjoyed by the francophone school community.

It is crucial that these agreements continue to support governance while meeting certain priorities identified by the government in collaboration with the provinces and territories. According to the report *The Next Act: New Momentum for Canada's Linguistic Duality*, the Government of Canada has already identified several education priorities: francisation, literacy, *programme d'accueil*, early childhood, training, and French as a First Language / French as a Second Language education....

The federal government will invest significant dollars to implement this plan. For education, it plans to maintain the amount of funding it currently provides, or $929 million, and add $381.5 million spread out over five years for three components: francophone minority language education ($209 million), second-language instruction ($137 million), and summer scholarships and official language monitors ($35.5 million).

Provincial priorities must be established now in order to coordinate efforts to identify them at the national level and initiate negotiations with the appropriate support documents.

It is also necessary to ensure that the programs selected by the Department be equitably and proportionately divided between the various envelopes (FL1 education for the DSFM, FL1 education for the other divisions, and FL2 education) This is particularly important given that programming, in many cases, has the same anticipated outcomes for FL1 and FL2.

Given the considerable amount of funding received from the federal government, which thereby fulfils its mandate, it is critical that the Franco-Manitoban community can continue to count on this support over the long term. Should this change, the resulting void would be catastrophic unless other funding sources were to replace the federal payment.

Findings:

- the DSFM receives major federal funding for French as a First Language education;
- termination or a major reduction of this funding could jeopardise the very existence of the DSFM.

6.1.6 Recommendation

26. That Manitoba press for a long-term commitment from the federal government to ensure the sustainability of French as a First Language education.

6.1.7 Provincial Funding

As shown in Table 17 of this report, DSFM's revenue from all sources in 2001-2002 was $36,680,577. Of this amount, $22,823,055 was from the province, $3,000,000 from the federal government, $10,238,718 from municipal sources, and $618,800 from other sources. This amount, ($36,680,577), divided by the number of pupils (FTE) or 4,290, results in a per-capita amount of $8,551. Furthermore, that same year the DSFM received $5,851,291 for its capital projects.

It is also interesting to note, as pointed out in this part of the report and in the **Governance** section, that in 2001-2002 the DSFM projected a deficit of $1,037,251. However, the financial statements of the same year show an accumulated surplus of $3,109,079 when the previous year this surplus was $ 2,874,700. Therefore, instead of a deficit in 2001-2002, the DSFM actually had a surplus of $234,379. As specified in the **Governance** section, this scenario is repeated over several years.

The conclusion based on this analysis and Table 1 is that the DSFM's operational requirements seem to be met. What is more, the **Capital Support** section of this report showed that the Division has received an impressive amount for these capital projects since its inception.

However, yet another factor should be borne in mind: the Schools Finance Program. This program was created by the provincial government under *The Public Schools Act* and associated regulations, and comprises factors with a significant impact on the funding of a school division like the DSFM. The following is a list of these factors, which are the source of most of the claims in respect of DSFM underfunding and the shortfalls shown in Mr. Rouleau's analysis:

- Sparcity Support ;
- Curricular Material;
- Library Services;
- Professional Development;
- Transportation;
- Special Needs services;
- English as a Second Language program;
- Pupils at Risk;
- Early Identification/Intervention;
- *Programme d'accueil.*

French as a First Language education in Manitoba is generally funded in the same way as linguistic majority education, except that certain factors take into account the likely higher costs of linguistic minority education.

The following statement from the *Association des parents francophones de la Colombie-Britannique* ruling is most appropriate in this regard:

> "Equality of outcome, envisioned by s. 23, may require differential treatment... Differential treatment is directly related to the circumstances intended to be addressed. It is remedial in nature, related to outcome, which in the circumstances of this case is a quality of education that is equal to that of the majority."

Through the funding it provides to French-language education, Manitoba believes it enables the

DSFM to offer a quality of education that is equal to that of the majority. However, some aspects make the DSFM a unique school division. Even so, the Government of Manitoba believes that certain funding factors enable it to give the DSFM one-time grants associated with its mandate and certain special aspects of the system. What about that?

The claims raised by the CSFM and others shed doubt on the merit of the Department's attitude and decisions in this respect. Elsewhere in this report, I have addressed issues that include:

- remoteness and population sparcity are particularly apparent in certain settings. The DSFM has more than its share of such situations;
- curricular material is often rare and costly;
- professional development is complicated and very expensive because of distances, scarcity of required materials, and the need for facilitators to prepare and present such events;
- capital projects have been generously funded by the Department, but there continue to be significant deficiencies that hamper the provision of education that is equal to that received by the majority: laboratories, gymnasiums, multi-purpose rooms, storage and school grounds.

Some other areas at the heart of funding claims are worth more in-depth consideration that focuses on specific categories.

Library Services

In several sectors and communities served by the DSFM, francophone library systems are non-existent or the French-language material in existing libraries is limited, outdated, or completely absent. The school therefore has to provide for these needs. Library services funding should take these factors into account.

Transportation

DSFM expenditures for pupil transportation are a major budget item. In its 2002-2003 budget, for example, the DSFM projected expenses of $3,056,548 due to the number of school buses in operation, routes, kilometres traveled, pupils transported, and the remoteness and geographic characteristics of the territory.

The DSFM has had little success with trying to cut pupil transportation costs. For example, the January 22, 2000 CSFM meeting minutes read:

> [*Translation*] "That the CSFM send a letter to the Red River School Division indicating our interest in mutual cooperation with the purpose of providing an even more efficient school transportation system for DSFM and Red River School Division pupils."

And the minutes of the February 23 meeting record the subsequent refusal of the Red River

School Division.

However, if the DSFM wishes to satisfy its mandate, the issue of pupil transportation is a fundamental one. CSFM policy is clear:

> [*Translation*] "..one of the cornerstones of community development is a school transportation system that recognizes the basic right of every rights holder to a quality, efficient service that is available to everyone who wishes to take advantage of it."

And:

> [*Translation*] "The DSFM therefore commits to providing a top quality service based on the principles of proactive and cooperative service. The DSFM's commitment to this principle therefore involves a change in the transportation sector mandate, namely that the school transportation component be incorporated as a central and essential recruitment strategy with a view to recovering of all our rights holders."

As a result of these obligations, and to implement its policy, the DSFM has developed its policy regarding:

- Transportation eligibility:

    Kindergarten-------------- no distance limitation
    Grades 1 to 4 --------------residence more than 1.0 km from school
    Grades 5 to S4-------------residence more than 1.6 km from school

- Unavailability of Transportation

If school transportation is not accessible where there are eligible children, the cost is paid out according to a per-kilometre rate to help cover the expenses incurred by parents or any other person responsible for the child.

- Special Education

Pupils with Special Needs and those who are temporarily disabled further to an injury will be transported, the latter for the duration of their convalescence.

The DSFM must meet the transportation needs of pupils within its means. In 2002-2003, the DSFM had to invest the hefty sum of $3,056,548 for this item, which is a great deal for a division with some 4,256 pupils (FTE). However, the unique context of the DSFM pretty much requires it to make this type of investment. Normand Boisvert, in his report *Vers l'égalité des résultats*, writes:

> [*Translation*] "The dispersion of pupils and the difficulty of making arrangements with the provider school divisions are probably the two most important factors that result in an additional transportation cost."

Other

Current funding is deficient in some cases according to Division administrators and trustees.

- English as a Second Language

The DSFM has to deliver English as a Second Language programs throughout its territory. One DSFM administrator made the following remark:

> [*Translation*] "We also teach English to our pupils starting in Grade Three. We should receive the same funding that the English-language divisions receive when they do this."

- Early Identification/Intervention and Pupils at Risk

The DSFM's funding for these services is the same as for the English-language divisions. However, community services are often absent in francophone communities. The DSFM must therefore ensure the availability and delivery of these services.

- *Programme d'accueil*

In a letter to Léo Robert dated January 28, 1998, Henri Grimard, Director, Educational Support Services Branch at the *Bureau de l'éducation française*, announced a maximum of five hundred (500) pupils eligible for the *programme d'accueil* support. This ceiling has been in place ever since.

Such a decision would appear to contravene the statements in several Supreme Court of Canada rulings and those of other courts previously cited herein. Given the assimilation and exogamy factors, the remedial French phase becomes crucial to recovering rights holders.

This decision also goes against the DSFM mission regarding rights holders with weaker French language skills. Furthermore, the DSFM's mandate in respect of this sector of the school population is conferred by *The Public Schools Act* itself at s. 21.15 (2):

> "The francophone school board may require a pupil whose French language skills do not meet the language requirements of the francophone program to attend a programme d'accueil for a period of time determined by the board."

It is therefore the DSFM's responsibility to determine which rights holders fall into the category of pupils requiring the *programme d'accueil,* and no maximum is set by the legislation.

The thought-provoking comments above are possible indicators of the potential need for a DSFM funding review.

Moreover, it should be added that the financial statements for 2001-2002 reveal that the DSFM received $8,608.85 per pupil (FTE), and spent $8,531.73 per pupil, which puts it in second place among the school divisions, lead by the Frontier Division No. 48. According to the same financial statements, the DSFM had, for that year, the full-time equivalent of 601.01 employees (unaudited figures), which means 0.14 persons per pupil or 2.8 persons per group. If only the educators are considered, there were 2.6 persons (FTE) per group of twenty pupils. These last statistics are not evidence of a system that is financially in a bad way.

Findings:

- from 2000 to 2002, the DSFM's financial statements revealed a surplus, after having shown a deficit in 1998-1999;
- the DSFM, because of its mandate, territory, demography and jurisdiction, seems to have additional costs associated with service and program delivery;
- overall, French as a First Language education is funded in the same way as English-language education;
- certain irregularities in this funding need to be addressed.

6.1.8 Municipal Funding

If the English-language school divisions require additional funds to deliver a program or service, they can raise funds at the municipal level. This prerogative is not available to the DSFM. It is, in this respect, totally dependent on the moneys raised by the English-language school divisions with pupils residing in their territory who attend DSFM schools.

The DSFM is penalized due to the sheer size of its territory, much of which is in rural areas with lower tax rates.

Of course, the DSFM receives significant funding from municipal administrations based on certain public school funding factors. But what about the shortfall?

When the DSFM was established, the provincial government ruled that this division could not raise revenue from property taxes. To compensate, the schools divisions whose rights holders attend DSFM schools pay the latter an amount per pupil that matches what each of them raises, multiplied by the number of their pupils who attend DSFM schools. As mentioned elsewhere in this report, the DSFM relies on the other divisions in this respect.

Table 20 below is a good illustration of the impact of this situation. In 2003, the provider school divisions raised 9.8% more in municipal taxes than in 2002. However, for the same period, the DSFM only received additional compensation of 8.4%, which represents a difference of 1.4% for the year in question, or $156,828. While this may not seem major, if it is projected over a ten-year period, it becomes a considerable amount - $1,568,280.

Table 20: Comparison of Municipal Funding Revenues
(Data taken from *FRAME* reports) 2001-2002/2002-2003

	2002 ($)	2003 ($)	Difference ($)	Increase (%)
DSFM	10,487,421	11,358,360	870,939	8.3%
Provider School Divisions	3,613,042,729	396,287,727	35,244,998	9.8%

If the DSFM were able to raise municipal tax revenue, it could help remedy what needs to be remedied. But it does not have this option. We will come back to this issue in Part VIII under "Additional Support".

Findings:

- the DSFM depends entirely on the English-language school divisions with respect to municipal funding;
- the 8.3% increase in DSFM revenue from municipal administrations between 2001-2002 and 2002-2003 is less than the increase in this revenue for the provider school divisions, or 9.8% for the same period.

To conclude, some, if not all, aspects of DSFM funding require modification. Practical suggestions will be presented in Part 8.

PART 7 – FUNDING OF FRENCH AS A FIRST LANGUAGE EDUCATION IN MANITOBA AND OTHER PROVINCES

In order to identify certain possible, valid and viable alternatives aimed at improving DSFM funding, where applicable, I deemed it appropriate to examine French as a First Language education funding in three other provinces. All of these provinces, without exception, have a share of base funding that is valid for all school boards, regardless of language of instruction. Furthermore, these provinces, like Manitoba, include factors in their funding formulas so that additional funds can be allocated to French as a First Language education for a variety of reasons.

Different provinces give different names to these factors, but the objective remains the same. For example, all three provinces considered include the language remediation issue. In one case, this factor is called "*l'actualisation de la langue*" [language upgrading], and in another "*francisation*" or "*programme d'accueil*". There are also certain allocations for programs like Special Needs, Pupils at Risk, Northern Allowance, Technology, and others. In addition, pupil transportation is given special prominence, and is a major item on school board budgets, particularly those with a rural component.

Other factors that are also important and taken into account by at least two of these provinces as well as Manitoba, are enrolment, special aspects of available facilities, and the need in some circumstances for distance education to complete the program offering.

While the educational funding processes are not completely homogenous in the provinces studied, some aspects warrant consideration to improve French as a First Language funding in Manitoba. I will come back to this a little further on in this section.

Recently, at a meeting of education leaders in which I was a participant, a retired Deputy Minister of Education noted that the ability of the provinces to fund school systems had reached its limit. Therefore, he added, "it is necessary to do what can be done with the available means."

However, the Courts have determined that rights holders are entitled to quality education that is equal to that received by the majority. The provincial jurisdictions must operate within this context of limited resources in order to ensure equal opportunity. What the DSFM would like to receive in terms of funding is perhaps more than what the provincial government can afford.

In the previous chapter, certain deficiencies in the current system of French-language education funding were raised. How can the situation be remedied? The province of Manitoba has already made some interesting adjustments in its education funding formula, as have other provinces. As I have said, the names may be different, but the objectives are the same. See the list below:

7.1 Base Support

Instructional support
Scarcity Support
Curricular Materials
Information Technology
Library Services
Special Needs (Level 1)
Counselling and Guidance
Professional Development
Occupancy
Flexible Base

7.2 Categorical Support

Transportation
Room and Board
Special Needs (Levels 2 and 3)
Technology (Vocational) Education
English as a Second Language
Aboriginal Academic Achievement
Heritage Language
French Language Programs/Instruction
Pupils at Risk
Small Schools
Enrolment Change Support
Northern Allowance
Early Behaviour Intervention
Early Childhood Development Initiative
Early Intervention
Early Literacy Intervention
Programme d'accueil

Some highlights from the educational funding in other provinces can be added to the above:

- Assimilation Factor

This factor is based on the assimilation rate within regions served by school boards. The weight given to the various sections of the territory by the same board is very useful depending on the case.

- Declining Enrolment

With this factor, school boards with declining enrolment receive additional funding support.

- Remote Schools

As a general rule, wherever enrolment in a given grade level (e.g., Grades 1, 2, etc.), is fewer than 12 pupils, a weighting factor allows school boards dealing with this type of situation to receive funds to help mitigate the impact.

- Teacher Qualifications and Experience

With this factor, the skills and experience of teachers become a component that helps school boards obtain additional funds.

The very structure of educational funding varies from one province to the next, even if the criteria that govern it have certain elements in common. In one of the provinces, this structure is interesting due to the organization of various areas under general headings. This enables the number of categories to be reduced without thereby reducing the number of factors that influence the costs to be absorbed by school boards, including both base costs and the additional costs associated with program and service delivery. The following briefly describes this structure:

7.3 Foundation Grants

Basic Amount
Local Priorities Amount

7.4 Special Purpose Grants

Special Education Grant
Language Grant
Geographic Circumstances Grant
Learning Opportunities Grant
Continuing Education and Other Programs Grant
Teacher Qualifications and Experience Grant
Early Learning Grant
Transportation Grant
Declining Enrolment Adjustment
Administration and Governance Grant

7.5 Pupil Accommodation Grants

School Operations
School Renewal
New Pupil Places
Prior Capital Commitments

Different provinces, different approaches to achieving the same goal: ensuring the sustainability of school systems to allow them to provide quality program and service delivery to elementary and secondary pupils.

For the 2003-2004 year, a comparison of the total per pupil funds received by the DSFM from the Manitoba government without the adjustments suggested in this report and the same funding for French-language schools in three other provinces reveals the following:

Funding in Manitoba ($9,176 per pupil) is fairly similar to that of two other provinces ($9,440 in one and $9,263 in the other). One of them gives much more per pupil than either Manitoba or these other two provinces ($11,853 per pupil).

Findings:

- Some aspects of the elementary and secondary education funding process in other provinces include interesting features that could help stimulate reflection on K-S4 education funding in Manitoba;
- French-language education (DSFM) per pupil funding is comparable to that of two other provinces and less than that of a third.

PART 8 – PROPOSED CHANGES TO THE FUNDING FORMULA

Indicator:

- medium- and long-term viability of the DSFM.

The DSFM wants to provide the highest quality education possible. To do this, it has established programs and services that meet pupils' needs. And to provide these programs and services, it has to have the appropriate facilities and qualified staff to deliver them.

The DSFM is no exception to the rule. However, it has only existed for ten years and serves client groups which, for many years in many cases, did not always have the opportunity to be educated in their first language and certainly not in a school system governed by rights holders.

It is therefore a system that must accommodate rights holders who often need help to recover lost or poor language skills. It must provide its programs and services in facilities which, in some circumstances, are poorly suited to more specialized instruction and in locations with limited numbers of rights holders.

Some will say that this is not the only school division that has to cope with such circumstances. While this may be true, it is the only school division governed by rights holders from the francophone minority that provides French as a First language education. And it is school boards like the CSFM that are the subject of numerous rulings from the Supreme Court of Canada and other courts. They are the subject of statements in these rulings concerning language recovery, entitlement to facilities and adequate funding to provide education that is at least equal to that offered to the majority, etc.

To enable the DSFM to meet the needs of rights holders and to fully assume its responsibilities, it is absolutely necessary that it be treated differently than the other school divisions in Manitoba. The authorities have elucidated this point:

> "Equality of outcome, envisioned by s. 23, may require differential treatment..." (in *Association des parents francophones de la Colombie-Britannique*)
>
> "Substantive equality under s. 23 requires that official language minorities be treated differently, if necessary, according to their particular circumstances and needs…" (in *Arsenault-Cameron*)

The documents I consulted regarding education funding in provinces including Manitoba recognize this need, as reflected in certain funding aspects. In Manitoba, with the establishment of the DSFM, the decision was made to adapt the funding formula rather than to do a comprehensive review of the public school funding process.

This would normally be very appropriate. However, in Part VI of this report, a certain number of deficiencies were highlighted. It is not enough to simply identify them. At the very least the most obvious of these must be addressed. I do not think that Manitoba's entire public school funding formula needs to be changed. Adjustments to certain factors would meet needs. Moreover, it is fitting to propose two alternatives and leave it to the province to determine what is most appropriate.

8.1 Alternative I: Revise the Existing Funding Formula

Note: The information on the data used in this section is taken from the *Funding of Schools, 2002-2003* document, and the statistics are from the *FRAME* report of the same year.

This alternative requires making changes to a certain number of the base support and categorical support factors. Further to a review of all of these factors, the following have been selected for modification.

8.1.1 Base Support

8.1.1.1 Curricular Material

This subject has been discussed elsewhere in this report, where it was shown that the cost of French-language material is usually higher than the cost of similar English-language curricular material. In addition, there is a glaring scarcity of textbooks and support material in French. It is specified that $30 of the $50 curricular material allowance per pupil must be expended through the Manitoba Text Book Bureau. This bureau still needs to have enough material to offer some choice, and this is not always easy. If the bureau does not have this material, it has to find it elsewhere in Canada and charges an administrative cost for this formality.

8.1.1.2 Recommendations

27. That the DSFM curricular material allocation be increased to $70 per pupil.

28. That the portion of this allocation to be spent through the Manitoba Text Book Bureau be eliminated unless the Bureau has appropriate textbooks available, in which case the portion to be spent through the Bureau should be set at $20.

This type of adjustment would represent approximately $89,000 in 2002-2003. These changes would enable the DSFM to acquire more curricular material and would offer greater flexibility in the actual purchases.

8.1.1.3 Information Technology

Given that the DSFM has only been in existence for ten years and that the technology equipment at the time it was established was not always in the best of condition, this equipment has had to be renewed from the beginning using the funds available at the DSFM. In addition, French-language courseware does not necessarily exist. These programs therefore have to be created, which takes personnel. If courseware does exist, it is generally more expensive than what is available in English. This is also applicable for other computer-based curricular materials.

8.1.1.4 Recommendation

29. That the allocation of $40 per pupil be increased to $80 per eligible DSFM pupil for information technology.

This change would bring an additional $178,000 into DSFM coffers. These additional funds would contribute to long-term upgrading of equipment on the one hand, and could be used to purchase programs on the other.

8.1.1.5 Library Services

Several francophone locations in Manitoba do not have a municipal library where children can find documentation or reading books. In these same communities, the school library serves as a municipal library, and while it needs these materials, it does not have the financial resources to acquire them.

8.1.1.6 Recommendation

30. That the allocation be $120 per eligible DSFM pupil for library services.

The DSFM would then receive an additional $133,500 for library services. Libraries must be more adequately stocked. The funds would help meet this need. In the long term, this could have a considerable impact on resources available for research, reading books, and other curricular material. Such enhancements would support cultural development and language skills.

8.1.1.7 Professional Development

This component has also been presented in this report. Distances and the need to use out-of-province resources increase costs. The fact is that the DSFM must shoulder the greater part of this responsibility, and this erodes much needed financial resources.

8.1.1.8 Recommendation

31. That the professional development allowance for DSFM teachers be increased to $44 per eligible pupil.

An additional sum of $ 44,500 would help. Teachers need training to upgrade their education and teaching strategies. These new financial resources would contribute to enhancing the quality of instruction and, subsequently, pupil performance.

8.1.2 Categorical Support

8.1.2.1 English as a Second Language

There are instances when the DSFM has to provide an English as a Second Language program for rights holders who have had little or no exposure to English as a second language. In such cases, the DSFM should receive the same grant paid to the other school divisions for providing this programming, or $660 per pupil.

8.1.2.2 Recommendation

32. That Manitoba Education increase the English as a Second Language grant for DSFM schools from $330 to $660 per pupil.

In 2002-2003, this increase would have brought in $56,100 more to the DSFM.

8.1.2.3 Transportation

The transportation costs incurred by the DSFM are significant. There is no alternative to this service. The distances are daunting and the number of pupils from a given region is often limited. The issue of pupil transportation is detailed in Part VI of this report. In 2002-2003, 72% of DSFM pupils were bussed over ninety-one (91) routes the average duration of which was fifty-two (52) minutes. During that same year, 1,977,814 kilometres were traveled. A major budget item, the cost of this service is greater than the provincial funding received. Given that several DSFM pupils must travel considerable distances even in urban areas, the Department should consider changing section (h) of this factor in the *Funding of Schools* document by striking the word "rural".

Under section (d) of the "Transportation" item in this same document (2002-2003), the DSFM receives the rural rate of $120 per pupil more than the other school divisions if the pupils bussed in urban areas cross divisional boundaries. In September 2002, four hundred thirty-two (432) pupils (44%) were eligible for this rate, which represents an amount of $51,840. The basic principle of this section is that the bussing of DSFM pupils, regardless of the region, involves significant distances, even for elementary pupils in urban areas who cross divisional boundaries. This same principle justifies the suggested change to section (h).

8.1.2.4 Recommendation

33. That the word "rural" be struck from section (h) of the "Transportation" item as described in the *Funding of Schools* document.

This would represent an additional $72,800 for pupil transportation. In the *Funding of Schools* document, Manitoba recognizes that distances, number of pupils bussed, and other conditions affect school transportation funding. The DSFM is the only francophone school board in the province and must provide transportation to pupils in both urban and rural regions. The cost is felt more acutely than in other divisions. The dollars brought in as a result of this change would help absorb these costs.

8.1.2.5 *Programme d'accueil*

This report has repeatedly referred to the rulings from the Supreme Court of Canada and other court which stress the importance of language recovery. Linguistic skills have suffered as a result of the many years during which access to French-language education was more difficult. With the added influence of exogamous marriages, the situation is even more critical. The DSFM wants to recover the greatest possible number of rights holders and its recruitment campaigns seem to be having a positive impact.

Given this situation, it makes no sense to limit the number of eligible pupils to 500 for *Programme d'accueil* support. This goes against the spirit of the rulings mentioned above.

8.1.2.6 Recommendation

34. That there be no numbers limitation for the *Programme d'accueil* grant, but that the DSFM evaluate case appropriateness in the same manner as it does for early identification cases.

There were seven hundred and sixty (760) pupils in the *Programme d'accueil* in 2002-2003. Had this change been adopted, the DSFM would have received $675 x 260, or an additional sum of $175,500.

8.1.2.7 Full-Time Kindergarten

In several Supreme Court of Canada decisions, the justices established the importance of recovering rights holders who have ceased to use their first language (French) as their language of expression. Exogamous marriages create a situation that does not foster the use of French.

Early childhood education in this context becomes imperative. Kindergarten, children's first contact with elementary school, is an ideal learning place for continuing the work begun at the preschool level. Full-time Kindergarten would ensure pedagogical and cultural recovery to allow rights holders to acquire the language skills essential to their learning.

I suggest it is important to support the DSFM in its efforts to continue offering a full-time Kindergarten program.

8.1.2.8 Recommendation

35. That Manitoba Education fund the full-time Kindergarten program for eligible pupils who attend DSFM schools.

A calculation based on data from the *FRAME* report for 2001-2002 shows additional revenues of approximately $1,487,813 for the DSFM.

8.1.2.9 Equalization Support/Additional Support

The DSFM is unable to raise revenue from property tax. As indicated previously, it therefore depends on the other divisions.

Furthermore, the province should consider including an additional factor to its funding as other provinces have done in order to broadly recognize the additional costs of French-language education in Manitoba. These costs include, *inter alia*, the need for teachers' assistants in exceptional francisation cases; specialized service delivery; remote schools with very limited community services; human resources appropriate to a specific setting; and access to resources requiring special transportation (sports or cultural activities, educational resources, health services...)

This additional support could also compensate for the fact that the DSFM is unable to raise revenue from property taxes. This funding aspect is cause for concern over the long term and must be addressed. One way to do this would be to enhance municipal funding to 4% from provincial funds.

This compensation could be calculated for the 2002-2003 year as follows:

B - A x C =

Where

B = the increase in % of municipal moneys raised by the provider school divisions in 2002 and 2003: 9.8%

A = the increase in % of funds received by the DSFM from all the provider school divisions and considered to be a replacement of municipal revenue in 2002 and 2003: 8.4%

C = the dollar amount received from the provider school divisions in 2002 to compensate for municipal revenue: $10,487,421. The following shows what the additional increase would be in dollars for 2003.

9.8% - 8.3% x $10,487,421 = $157,311

8.1.2.10 Recommendation

36. That the province include new "Additional Support" funding for the DSFM to compensate for limitations imposed on the DSFM's ability to raise property tax revenue on its own. This amount could be calculated as indicated above.

The final part of the **Funding of Schools** document addresses capital support. For the DSFM, there are obvious capital needs, some of which are more urgent than others.

In Part V of this report, I mentioned three regions (Red River, Seine River and Mountain), where the DSFM could select one regional, more comprehensive school. This would require an allocation of provincial funds for the construction of suitable facilities such as laboratories, Industrial Arts rooms and other specialized and adequately outfitted spaces. The province could encourage the CSFM to initiate the process of selecting such schools by committing to an investment of the appropriate sums over a specific time period (e.g., five years) to complete the necessary work.

By meeting an obvious need for facilities in this way, the Department of Education, Citizenship and Youth would be helping the province take a giant step forward in meeting the Supreme Court of Canada requirements in respect of quality programs equivalent to that received by the English-language majority. On the other hand, by focusing on some of these programs in selected schools, the DSFM would promote access to more comprehensive programming for a greater number of pupils.

The recent Supreme Court of Canada ruling in the *Doucet-Boudreau v. Nova Scotia* case is worth reading, as it determines new parameters for the entire issue of school facilities for French as a First Language education.

If changes suggested in this Part (8) were implemented, they would not be exaggerated as they are justifiable with no detrimental effect to the majority. They would have brought in an additional $2,391,524 to the DSFM for 2003.

Based on these data, the following projection can be made:

Funding of $9,176 for each DSFM pupil, plus the additional per pupil revenue of $552.32 (see Table 21) would increase this funding to $9,728.32.

The result would be that on a per pupil basis, French-language education (DSFM) funding is greater in Manitoba than in the other two provinces.

Table 21: Funding Changes

Categories	Suggested Changes	Impact ($)
Base Support • Curricular Material	Increased funding Purchasing flexibility	89,000
• Information Technology	Enhanced funding	178,000
• Library Services	Enhanced funding	133,500
• Professional Development	Enhanced funding	44,500
• Kindergarten	Funding of full-time Kindergarten program	1,487,813
Categorical Support • English as a Second Language	Increased funding	56,100
• Transportation	Strike "rural" from section (h) under this item in the *Funding of Schools* document	72,800
• *Programme d'accueil*	Remove the ceiling of 500 pupils	175,500
• Additional Support	Compensate lost municipal revenue	(in 2003) 157,311
TOTAL		**2,391,524** **per pupil: $552.32**

8.1.2.11 Recommendations

37. That the DSFM take immediate steps to designate one regional school per region.

38. That the province make a five-year commitment to invest the necessary capital funds to implement regional schools.

39. That all of the above recommendations that relate to changes in public school funding be implemented as soon as possible.

8.2 Alternative II: Comprehensive Review of Educational Funding

Another possibility would be to conduct a comprehensive review of educational funding to consider factor organization. This change would affect all of the school divisions.

The impact would be felt province-wide. However, the process could offer greater flexibility and could meet contextual needs that differ from those that existed at the time of the last funding reform in Manitoba.

Generally speaking, I think that educational funding in Manitoba can meet DSFM needs if certain changes, such as those suggested above, are implemented.

8.2.1 Recommendation

40. That the Government of Manitoba consider the medium- and long-term feasibility of a complete review of public school funding.

CONCLUSION

Overall, the CSFM on behalf of the francophone community, and the Department of Education, Citizenship and Youth are fulfilling their responsibilities effectively. Admittedly, both parties could stand to make some adjustments.

There is already a good level of effort coordination between the DSFM and the Department with respect to programs and professional development. It is important to continue to build on this experience to promote even greater communication, dialogue and cooperation.

DSFM programming, in the context of available space, is quite adequate, as proven by the results of pupils in the provincial evaluations. However, the DSFM could further enhance these programs through consolidated delivery in some regions. There is a definite need for specialized facilities and space. The pupil-teacher and pupil-paraprofessional ratios show a generous per pupil allocation. Here too, consolidation would reduce costs without have a negative impact on program and service quality. The support of the Department in this exercise would increase the opportunities for success.

To more effectively meet DSFM needs, some changes need to be made to the school funding formula. The aspects that require improvements have been identified. Furthermore, the DSFM can review its governance to maximize benefits. The preparation of budgets that project deficits followed by financial statements that show surpluses year after year is unusual to say the least.

Government of Canada funding of French-language education via the federal-provincial /territorial agreements is essential to ensuring DSFM sustainability. The same applies to the survival of French as a First Language school systems in a minority setting.

The DSFM plays an important role in the Franco-Manitoban community. It is the duty of the various government jurisdictions to collectively ensure its survival over the short, medium and long term by helping it to satisfy its responsibilities.

In certain areas, such as early childhood education, the cooperation between the school system and other organizations is beneficial and encouraged. In such cases, the provincial and territorial departments concerned should join forces to support the efforts made in order to offer the appropriate services at the local level. The entire Franco-Manitoban community as well as the Manitoban community as an entity stand to reap the benefits.

Ensuring the long-term viability of the DSFM depends on three interdependent and important factors:

- A long-term commitment must be secured from the Government of Canada in respect of French as a First Language education. The government has supported governance of French as a First Language education. This governance exists as required by the Supreme

Court of Canada and must be guaranteed over the long term.

- The provincial government must ensure that its funding provides adequate support to this governance and the many dimensions of education, including school buildings, transportation, etc. There is room for improvement. The province should perhaps consider a comprehensive review of educational funding in Manitoba.

- The DSFM also has responsibilities. It is not enough to voice concern about insufficient funding. Sound and responsible governance must also be provided. Here too there is room for improvement, and the report identifies some possibilities. The commitment of all stakeholders is vital, and each has a role to play. The well-being and development of the entire community and in particular the pupils who attend DSFM schools, depends on it.

In the recent words of a guest of Denise Bombardier: [*Translation*] "**Questions unite and answers divide**"**,** to which Anatole France would reply [*Translation*] "**You wouldn't believe how easy the impossible becomes when necessary.**"

LIST OF RECOMMENDATIONS

1. That the government initiate a process aimed at helping solve the dilemma associated with the provision of French as a First Language education in a system not governed by rights holders.

2. That the Department [Manitoba Education] expressly clarify, at the very least, the role and mandate of English-language school divisions with respect to French-language education (French First Language and French Second Language).

3. That Manitoba Education, under the direction of the Assistant Deputy Minister responsible for the Bureau de l'éducation française Division, establish two directorships: administration of French as a First Language Education, and administration of French as a Second Language Education.

4. That the DSFM present a plan for improving its financial situation in order to preclude an accumulated deficit.

5. That a review of school trustee remuneration be conducted to consider factors such as honoraria, meetings, and travel, and that such remuneration include attendance at meetings.

6. That the DSFM organization chart, and the number, roles, mandate, responsibilities and accountability of administrators be revised to more accurately define their work and that of DSFM trustees.

7. That the DSFM hold closed meetings only when it is deemed absolutely necessary to promote the greatest possible transparency while complying with school board policy.

8. That the DSFM improve its meeting minutes so they clearly indicate the follow-up required after each meeting and record the status of this follow-up at subsequent meetings.

9. That a study be conducted to identify potential teacher shortages so that the required remedial action can be taken.

10. That the DSFM take any necessary measures to improve the framework for the recruitment, the level of involvement and the work of volunteers.

11. That Manitoba Education, Citizenship and Youth continue to ensure and encourage DSFM staff participation in program development, review, and implementation.

12. That Manitoba Education, Citizenship and Youth ensure that the elementary and secondary programming determined by the province reflect the francophone culture and reality in Manitoba to a greater extent.

13. That the DSFM examine the eligibility criteria for Special Needs programs and review the admissions process for such programs accordingly.

14. That departments such as Manitoba Education, Child and Family Services, and Health, with the support of the Government of Canada, coordinate their efforts to ensure that the Early Childhood program has the required resources to meet needs.

15. That representatives from community organizations, Healthy Child programs, the Early Childhood Coalition [Coalition de la petite enfance], and the DSFM coordinate their efforts to avoid duplication of early childhood programs and services, and to ensure optimum delivery.

16. That the Manitoba Education, Citizenship and Youth funding formula for curricular materials more accurately reflect the scarcity and cost of French-language textbooks and curricular materials.

17. That the mandate of the Western and Northern Canadian Protocol for Collaboration in Basic Education be examined with a view to possibly include the responsibility of preparing instructional material and even basic textbooks for the programming detailed in this Protocol.

18. That the DSFM review on an annual and ongoing basis the nature and extent of support provided by teachers' assistants in order to improve programming delivery.

19. That the DSFM review its teacher and support staff allocation criteria to determine their appropriateness and assess the pupil-teacher ratio (including teachers' assistants).

20. That the DSFM re-examine its Special Needs programming and service delivery to ensure optimum cost/benefit levels.

21. That the duties and responsibilities of DSFM central office coordinators be examined with a view to consolidating and improving their impact.

22. That Manitoba Education, Citizenship and Youth, in collaboration with other related departments, the Franco-Manitoban School Board (CSFM), and private companies work on finding a solution to the École Taché land transfer.

23. That the DSFM embark on a process to identify regional secondary schools where more comprehensive programming could be made possible by more adequate facilities.

24. That Manitoba Education make every effort to ensure access to facilities that are more suited to comprehensive programming.

25. That Manitoba, either directly or in its negotiations with the Government of Canada, do everything possible to ensure the long-term viability of the DSFM.

26. That Manitoba press for a long-term commitment from the federal government to ensure the sustainability of French as a First Language education.

27. That the DSFM curricular material allocation be increased to $70 per pupil.

28. That the portion of this allocation to be spent through the Manitoba Text Book Bureau be eliminated unless the Bureau has appropriate textbooks available, in which case the portion to be spent through the Bureau should be set at $20.

29. That the allocation of $40 per pupil be increased to $80 per eligible DSFM pupil for information technology.

30. That the allocation be $120 per eligible DSFM pupil for library services.

31. That the professional development allowance for DSFM teachers be increased to $44 per eligible pupil.

32. That Manitoba Education increase the English as a Second Language grant for DSFM schools from $330 to $660 per pupil.

33. That the word "rural" be struck from section (h) of the "Transportation" item as described in the *Funding of Schools* document.

34. That there be no numbers limitation for the *Programme d'accueil* grant, but that the DSFM evaluate case appropriateness in the same manner as it does for early identification cases.

35. That Manitoba Education fund the full-time Kindergarten program for eligible pupils who attend DSFM schools.

36. That the province include new "Additional Support" funding for the DSFM to compensate for limitations imposed on the DSFM's ability to raise property tax revenue on its own. This amount could be calculated as indicated above[14].

37. That the DSFM take immediate steps to designate one regional school per region.

38. That the province make a five-year commitment to invest the necessary capital funds to implement regional schools.

39. That all of the above recommendations that relate to changes in public school funding be implemented as soon as possible.

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[14] Translator's Note: see formula presented on page 96 of the report.

40. That the Government of Manitoba consider the medium- and long-term feasibility of a complete review of public school funding

BIBLIOGRAPHY[15]

ALBERTA. *Funding Manual for School Authorities*, Government of Alberta, 2002-2003

BISSON, Ronald. *Agrandir l'espace francophone au Manitoba*, September 2001, 20 p. [Blueprint to expand the Francophone presence in Manitoba. - French only]

BOISVERT, Normand. *Vers l'Égalité des Résultats* Winnipeg, Manitoba, March 2001, 109 p. [Towards an equality of outcome - French only],

BRADET, Guy. *Analyse et Rapport de la structure d'indemnité et allocations des commissaires de la CSFM*, March 2003, 25 p. [analysis and report of CSFM indemnity structure and trustee allocations - French only]

BUREAU DE L'ÉDUCATION FRANÇAISE. *La Phase d'accueil pour les écoles franco-manitobaines,* Winnipeg, Manitoba, 36 p. [*programme d'accueil* phase for Franco-Manitoban schools - French only]

Canada-Manitoba Special Agreement, Ottawa, Canada, November 1994, 9 p.

Canada-Manitoba Special Agreement, Ottawa, Canada, 2001 to 2004, 10 p.

CENERINI, Norbert. *Independent Study of the Division scolaire franco-manitobaine no. 49 - Governance Structure and Election Process,* , Manitoba, May 2001, 27 p.

CENTRES DE PETITE ENFANCE. [Early Childhood Centres - Report], Fédération provinciale des comités de parents du Manitoba and the Division scolaire franco-manitobaine, Winnipeg [French only]

COALITION FRANCOPHONE DE LA PETITE ENFANCE. *Document d'encadrement* [Framework document -French only]

COMMISSION (LA) NATIONALE DES PARENTS FRANCOPHONES. *La Jurisprudence sous l'Article 23 de la Charte canadienne des Droits et Libertés*, September 2000, 12 p. [case law under s. 23 of the Canadian Charter of Rights and Freedoms - French only]

COUNCIL OF MINISTERS OF EDUCATION, CANADA. *Pan-Canadian French as a First Language Project.*

CONSEIL JEUNESSE PROVINCIAL INC. [provincial youth council - French only]

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[15] Translator's Note: References available in French only have been indicated. Where cited within the body of the report, a suggested English rendering has been given in footnote form. References available in both official languages or in English only are cited in English.

CONSEIL SCOLAIRE FRANCOPHONE DU MANITOBA, Manitoba, November 8, 2002, 34 p. [French only]

Correspondence, Division scolaire franco-manitobaine, Department of Education, Winnipeg, Manitoba

DELAQUIS, Aimé H. *Études en matière d'immobilisation*, Winnipeg, Manitoba, April 2003, 124 p. [capital funding studies - French only]

DEPARTMENT OF EDUCATION AND TRAINING. FRAME Report 1998-1999 Budget, Winnipeg, Manitoba, 61 p.

DEPARTMENT OF EDUCATION AND TRAINING. FRAME Report 1999-2000 Budget, Winnipeg, Manitoba, 61 p.

DEPARTMENT OF EDUCATION AND TRAINING. FRAME Report 2000-2001 Budget, Winnipeg, Manitoba, 61 p.

DEPARTMENT OF EDUCATION, TRAINING AND YOUTH. FRAME Report 2002-2003 Budget, Winnipeg, Manitoba, 60 p.

DEPARTMENT OF EDUCATION, TRAINING AND YOUTH. Increasing Choice and Flexibility: Changes to Senior Years Graduation Requirements, March 2001, 11 p.

DEPARTMENT OF EDUCATION, TRAINING AND YOUTH. Capital Support Program - Division scolaire franco-manitobaine, Manitoba, April 2003, 3 p.

DEPARTMENT OF EDUCATION AND TRAINING. Capital Projects - Decision Processes, Winnipeg, Manitoba, April 1994, 10 p.

DEPARTMENT OF EDUCATION, CITIZENSHIP AND YOUTH. Funding of Schools - 2001-2002, 2002-2003, 2003-2004, Winnipeg, Manitoba, 31 p.

DEPARTMENT OF EDUCATION, CITIZENSHIP AND YOUTH. *Inscription scolaire-français langue première (FL1) selon la division/le district scolaire et la niveau*, Winnipeg, Manitoba, 2001-2002, 79 p. [French as a First Language enrolment by school division/district and grade - French only]

DEPARTMENT OF EDUCATION AND TRAINING. Capital Support Program, Winnipeg, Manitoba, 1998, 31 p.

DEPARTMENT OF EDUCATION, TRAINING AND YOUTH. Letter from Drew Caldwell to Yolande Dupuis, Winnipeg, Manitoba, November 13, 2001, 2 p.

DEPARTMENT OF EDUCATION AND TRAINING. Letter from the Deputy Minister John D. Carlyle to Yolande Dupuis, Winnipeg, Manitoba, June 16, 1999, 3 p.

DEPARTMENT OF EDUCATION, CITIZENSHIP AND YOUTH. A Comprehensive Review of Programs, Sources of Revenue and Financial Operations of the Division scolaire franco-manitobaine (DSFM), August 8, 2003

DEPARTMENT OF EDUCATION AND TRAINING. Francophone Schools Governance, Manitoba, May 1993, 11 p.

DEPARTMENT OF EDUCATION, TRAINING, AND YOUTH, *Guide administratif pour la direction des écoles*, Winnipeg, Manitoba, 17 p. [administrative guide for school governance - French only]

DEPARTMENT OF EDUCATION, CITIZENSHIP AND YOUTH and DIVISION SCOLAIRE FRANCO-MANITOBAINE. *Curriculum Guides*

DIVISION SCOLAIRE FRANCO-MANITOBAINE. *Allocation du personnel*, Winnipeg, Manitoba, September 9, 2003, 1 p. [staff allocation - French only]

DIVISION SCOLAIRE FRANCO-MANITOBAINE. *Budgets et états financiers*, 1999-2002 [budgets and financial statements - French only]

DIVISION SCOLAIRE FRANCO-MANITOBAINE. *Description de tâches*, Winnipeg, Manitoba, 10 p. [job descriptions - French only]

DIVISION SCOLAIRE FRANCO-MANITOBAINE. *Fonds d'Administration générale- état des recettes et Dépenses 2003-2004*, 23 p. [General Funds – revenue and expenses - French only]

DIVISION SCOLAIRE FRANCO-MANITOBAINE. *Inscription scolaire- 1994-2004*, Winnipeg, Manitoba, 8 p. [school enrolment - French only]

DIVISION SCOLAIRE FRANCO-MANITOBAINE. *La Division scolaire franco-manitobaine et l'éducation française au Manitoba*, Winnipeg, November 1998, 54 p. [the DSFM and French-language education in Manitoba - French only]

DIVISION SCOLAIRE FRANCO-MANITOBAINE. *Politiques de la Division scolaire franco-manitobaine*, Winnipeg, Manitoba, 158 p. [DSFM policies – French only]

DIVISION SCOLAIRE FRANCO-MANITOBAINE. *Le Mentorat 2003-2004*, Manitoba, 4 p. [mentoring - French only]

DIVISION SCOLAIRE FRANCO-MANITOBAINE. *Le Sous-financement de la Division* *scolaire franco-manitobaine*, Manitoba, 2002, 49 p. [under funding of the DSFM - French only]

DIVISION SCOLAIRE FRANCO-MANITOBAINE. *Plan d'action divisionnaire annuel*, 2002-2003, 29 p. [annual division action plan - French only]

DIVISION SCOLAIRE FRANCO-MANITOBAINE. *Programmation et services aux élèves* [programs and pupil services - French only]

DIVISION SCOLAIRE FRANCO-MANITOBAINE. *Projets de partenariat 2003-2004*, Manitoba, 4 p. [partnership projects - French only]

DIVISION SCOLAIRE FRANCO-MANITOBAINE. *Projets d'immobilisation*, Manitoba, 60 p. [capital projects - French only]

DIVISION SCOLAIRE FRANCO-MANITOBAINE. *Rapport à la collectivité*, 2003, 15 p. [report to the community - French only]

DIVISION SCOLAIRE FRANCO-MANITOBAINE. *Sites des écoles*, [school sites - maps], Manitoba, 2 maps [French only]

DIVISION SCOLAIRE FRANCO-MANITOBAINE. *Transport et entretien des édifices*, Manitoba, 78 p. [transportation and building maintenance - French only]

DIVISION SCOLAIRE FRANCO-MANITOBAINE. *Rapport à la collectivité*, 2003, 37 p. [report to the community - French only]

DIVISION SCOLAIRE FRANCO-MANITOBAINE. *Rapport d'activités 2001-2002*, Manitoba, 12 p. [activities report - French only]

DIVISION SCOLAIRE FRANCO-MANITOBAINE. *Session d'orientation*, Gimli, [orientation session - French only]

DUPUIS, Yolande. *Letter to the French-Language Services Secretariat,*Manitoba, November 25, 2002

FÉDÉRATION PROVINCIALE DES COMITÉS DE PARENTS. *Financement 2003-2004*, Ontario Ministry of Education, Toronto, Ontario, [Funding 2003-2004 - French only]
Four documents:
Document technique, [technical paper] 85 pages
Subventions générales [general grants] 158 pages
Guides pour les parents [parent guide], 35 pages
Conseils scolaires [school boards], 44 pages

FRENCH LANGUAGE SERVICES SECRETARIAT. Report on French Language Services

2001-2002, 37 p.

GILBERT, Anne. Fédération canadienne des enseignantes et des enseignants (FCE), *Une vision nationale- La petite enfance : porte d'entrée à l'école de langue française*, March 2003, 50 p. [Early childhood: Gateway to French-language schools – A national vision. - French only]

GOVERNMENT OF CANADA. *The Next Act: New Momentum for Canada's Linguistic Duality: the Action Plan for Official Languages*, Ottawa, 2003, 75 p.

JOURDAIN, Guy. *Letter to Madame Yolande Dupuis*, French Language Services Secretariat, Winnipeg, Manitoba, October 9, 2002, 1 p.

Letters to the Minister of Education and officials, and answers

MARTEL, Angeline. *Analyse pour un aménagement du français par l'éducation*, 2002, 81 p. [analysis for enhancing French through education - French only]

Minutes (consulted), School board and committees, Winnipeg, Manitoba, 1998-2002

OFFICE OF THE COMMISSIONER OF OFFICIAL LANGUAGES. *Rights, Schools and Communities in Minority Context*, 1986-2002: Toward the Development of French Through Education: an Analysis.

OFFICE OF THE COMMISSIONER OF OFFICIAL LANGUAGES. *School Governance: The Implementation of Section 23 of the Charter*, 1998, 177 p.

OFFICE OF THE COMMISSIONER OF OFFICIAL LANGUAGES. *Motivations For School Choices by Eligible Parents Outside Quebec.* Circum Network Inc., January 1999, 39 p.

OFFICE OF THE PROVINCIAL AUDITOR. *Examen du Collège de St-Boniface*, Winnipeg, Manitoba, August 2003 [audit examination of the Collège St-Boniface – French only]

ONTARIO COURT OF APPEAL, *R. v. the Roman Catholic Separate School Board of Dufferin and Peel*, Toronto, 1996.

ORGANIZATION FOR ECONOMIC CO-OPERATION AND DEVELOPMENT. *What Schools for the Future?*

PANTEL, Roland. *Ressources éducatives : comparaison de la disponibilité et des coûts du matériel scolaire français et anglais au Manitoba*, Winnipeg, Manitoba, March 2003, 24 p.[educational resources: comparison of the availability and cost of French and English curriculum materials in Manitoba – French only]

PANTEL, Roland, PHANEUF, Alfred and Léo ROBERT. *Étude de la programmation des écoles*

écoles secondaires, Winnipeg, Manitoba, March 2003, 98 p. [Study of secondary school programs – French only]

(THE) PUBLIC SCHOOLS ACT. Francophone Schools Governance Regulation, Winnipeg, Manitoba, December 1993, 29 p.

(THE) PUBLIC SCHOOLS AMENDMENT (FRANCOPHONE SCHOOLS GOVERNANCE ACT), Chapter 33, Winnipeg, Manitoba, 1993, 35 p.

(THE) PUBLIC SCHOOLS AMENDMENT ACT (FRANCOPHONE SCHOOL DIVISION GOVERNANCE STRUCTURE), Chapter 21, Winnipeg, Manitoba, August 2002, 10 p.

ROULEAU, Paul. *Analyse de l'Arrêt Arsenault-Cameron c. l'Île-du-Prince-Édouard*, October 2001, 17 p.

SASKATCHEWAN. *Education Act, 1995.* Government of Saskatchewan, 1995

SASKATCHEWAN. *The 2002-2003 School Grant Regulations,* (ten chapters), 2003

SHERWOOD, Paul. *La communauté et l'école* [school and the community]*(draft)*, DSFM, Winnipeg, 2003

SUPERIOR COURT OF ONTARIO. *Marchand v. Queen*, 1986

SUPREME COURT OF BRITISH COLUMBIA. *L'Association des parents francophones de la Colombie-Britannique* (APFCB), *v. British Columbia,* 1998

SUPREME COURT OF CANADA. *Arsenault-Cameron v. Prince Edward Island*, 1999

SUPREME COURT OF CANADA. *R. v. Beaulac*, 1999

SUPREME COURT OF CANADA. *Home Builders' Association v. York Region Education Board*, 1996

SUPREME COURT OF CANADA. *Mahé v. Alberta*, 1990

SUPREME COURT OF CANADA. *Quebec Protestant School Board v. Québec* (Attorney General of Quebec), 1984

SUPREME COURT OF CANADA. Reference Re *Public Schools Act (Manitoba)*, (Manitoba Reference), 1993

SUPREME COURT OF NOVA SCOTIA, Glenda Doucet-Boudreau v. Nova Scotia, 2000